

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 6006

68th Legislature
2024 Regular Session

Passed by the Senate March 4, 2024
Yeas 49 Nays 0

President of the Senate

Passed by the House February 29, 2024
Yeas 92 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 6006** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 6006

AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dhingra, Wagoner, Braun, Conway, Frame, Hasegawa, Keiser, Kuderer, Lias, McCune, Nguyen, Nobles, Salomon, Stanford, Torres, Valdez, and C. Wilson)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to supporting victims of human trafficking and
2 sexual abuse; amending RCW 9A.40.100, 26.44.020, 26.44.030,
3 74.13.031, 7.105.100, 7.105.110, 7.105.225, 7.105.405, 7.105.500,
4 7.68.060, 9A.44.120, 9A.44.150, 9A.82.100, 10.97.130, and 42.56.240;
5 reenacting and amending RCW 13.34.030, 7.105.010, and 9A.04.080;
6 adding a new section to chapter 7.68 RCW; adding a new section to
7 chapter 26.44 RCW; creating a new section; prescribing penalties;
8 providing an effective date; and providing expiration dates.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 **Sec. 1.** RCW 9A.40.100 and 2017 c 126 s 1 are each amended to
11 read as follows:

12 (1) A person is guilty of trafficking in the first degree when(~~(~~

13 ~~(a) Such person:~~

14 ~~(i) Recruits))~~ such person recruits, entices, harbors,
15 transports, ((transfers)) isolates, solicits, provides, obtains,
16 buys, purchases, maintains, or receives by any means another person
17 ~~((knowing))~~ and:

18 (a)(i) Knows, or acts in reckless disregard of the fact, ((A))
19 that force, fraud, or coercion ((as defined in RCW 9A.36.070)) will
20 be used to cause the person to engage in(~~(~~

21 ~~(I) Forced labor;~~

1 ~~(II) Involuntary servitude;~~
2 ~~(III) A sexually explicit act; or~~
3 ~~(IV) A commercial sex act, or (B) that the person has not~~
4 ~~attained the age of eighteen years and is caused to engage in a~~
5 ~~sexually explicit act or a commercial sex act; or~~
6 ~~(ii) Benefits))~~ forced labor, involuntary servitude, a sexually
7 explicit act, or a commercial sex act; or
8 (ii) Such person knowingly, or in reckless disregard, causes a
9 person under 18 years of age to engage in a sexually explicit act or
10 commercial sex act, or benefits financially or by receiving anything
11 of value from participation in a venture that has engaged in acts set
12 forth in (a) (i) or (ii) of this subsection; provided, that it is not
13 a defense that such person did not know, or recklessly disregarded
14 the fact, that the other person was under 18 years of age or believed
15 the other person was older, as the case may be; and
16 (b) The acts or venture set forth in (a) (i) or (ii) of this
17 subsection:
18 (i) Involve such person committing or attempting to commit
19 kidnapping;
20 (ii) Involve a finding of sexual motivation (~~(under RCW~~
21 ~~9.94A.835))~~);
22 (iii) Involve the illegal harvesting or sale of human organs; or
23 (iv) Result in a death.
24 (2) Trafficking in the first degree is a class A felony.
25 (3) ~~((a))~~ A person is guilty of trafficking in the second degree
26 when such person ~~((~~
27 ~~(i) — Recruits))~~ recruits, entices, harbors, transports,
28 ~~((transfers))~~ isolates, solicits, provides, obtains, buys, purchases,
29 maintains, or receives by any means another person ~~((knowing))~~ and:
30 (a) Knows, or acts in reckless disregard of the fact, that force,
31 fraud, or coercion ~~((as defined in RCW 9A.36.070))~~ will be used to
32 cause the person to engage in forced labor, involuntary servitude, a
33 sexually explicit act, or a commercial sex act ~~((, or that the person~~
34 ~~has not attained the age of eighteen years and is caused to engage in~~
35 ~~a sexually explicit act or a commercial sex act; or~~
36 ~~(ii) Benefits))~~ ; or
37 (b) Such person knowingly, or in reckless disregard, causes a
38 person under 18 years of age to engage in a sexually explicit act or
39 commercial sex act, or benefits financially or by receiving anything
40 of value from participation in a venture that has engaged in acts set

1 forth in (a) ~~((i))~~ or (b) of this subsection; provided, that it is
2 not a defense that such person did not know, or recklessly
3 disregarded the fact, that the other person was under 18 years of age
4 or believed the other person was older, as the case may be.

5 ~~((b))~~ (4) Trafficking in the second degree is a class A felony.

6 ~~((4)(a) In any prosecution under this chapter in which the~~
7 ~~offense or degree of the offense depends on the victim's age, it is~~
8 ~~not a defense that the perpetrator did not know the victim's age, or~~
9 ~~that the perpetrator believed the victim to be older, as the case may~~
10 ~~be.~~

11 ~~(b))~~ (5) If the victim of any offense identified in this section
12 is a minor, then force, fraud, or coercion are not necessary elements
13 of an offense and consent to the sexually explicit act or commercial
14 sex act does not constitute a defense.

15 (6) For purposes of this section:

16 (a) "Coercion" includes, but is not limited to, the following
17 circumstances:

18 (i) Using or threatening to use physical force against any
19 person;

20 (ii) Restraining, isolating, or confining or threatening to
21 restrain, isolate, or confine any person without lawful authority and
22 against their will;

23 (iii) Using lending or other credit methods to establish a debt
24 by any person when labor or services are pledged as a security for
25 the debt, constituting debt bondage, if the value of the labor or
26 services are pledged as a security for the debt, the value of the
27 labor or services as reasonably assessed is not applied toward the
28 liquidation of the debt, or the length and nature of the labor or
29 services are not respectively limited and defined;

30 (iv) Destroying, concealing, removing, confiscating, withholding,
31 or possessing any actual or purported passport, visa, or other
32 immigration document, or any other actual or purported government
33 identification document, of any person;

34 (v) Causing or threatening to cause financial harm to any person;

35 (vi) Enticing or luring any person by fraud or deceit;

36 (vii) Providing or withholding any drug, alcohol, controlled
37 substance, property, or necessities of life including money, food,
38 lodging, or anything else of value that belongs to or was promised to
39 another person knowing that this other person will be caused to

1 engage in forced labor, involuntary servitude, a sexually explicit
2 act, or a commercial sex act;

3 (viii) Accusing any person of a crime or causing criminal charges
4 to be instituted against any person;

5 (ix) Exposing a secret or publicizing an asserted fact, whether
6 true or false, tending to subject any person to hatred, contempt, or
7 ridicule;

8 (x) Testifying or providing information, or withholding testimony
9 or information, with respect to another's legal claim or defense;

10 (xi) Taking wrongful action as an official against anyone or
11 anything, or wrongfully withholding official action, or causing such
12 action or withholding;

13 (xii) Committing any other act which is intended to harm
14 substantially the person threatened or another with respect to his or
15 her health, safety, business, financial condition, or personal
16 relationships; or

17 (xiii) Holding or returning a person to a condition of
18 involuntary servitude, debt bondage, or forced labor, with the intent
19 of placing them in or returning them to a condition of involuntary
20 servitude, debt bondage, or forced labor, where such condition is
21 based on the alleged, implied, or actual inheritance of another's
22 debt, constituting peonage.

23 (b) "Commercial sex act" means any act of sexual contact or
24 sexual intercourse, both as defined in chapter 9A.44 RCW, for which
25 something of value is given or received by any person.

26 (c) "Kidnapping" means intentionally abducting another person.

27 (d) "Maintain" means, in relation to forced labor, involuntary
28 servitude, a sexually explicit act, or a commercial sex act, to
29 secure or make possible continued performance thereof, regardless of
30 any initial agreement on the part of the victim to perform such
31 labor, servitude, or act.

32 (e) "Sexual motivation" means that one of the purposes for which
33 the defendant committed the crime was for the purpose of his or her
34 sexual gratification.

35 (f) "Sexually explicit act" means a public, private, or live
36 photographed, recorded, or videotaped act or show intended to arouse
37 or satisfy the sexual desires or appeal to the prurient interests of
38 patrons for which something of value is given or received.

39 (7) A person who is (~~either~~) convicted (~~or~~), enters into a
40 plea agreement to a reduced or different charge, is given a deferred

1 sentence or a deferred prosecution, or ~~((who has entered))~~ enters
2 into a statutory or nonstatutory diversion agreement as a result of
3 an arrest for a violation of a trafficking crime shall be assessed a
4 ~~((ten thousand dollar))~~ \$10,000 fee. The court shall not reduce,
5 waive, or suspend payment of all or part of the fee assessed in this
6 section unless it finds, on the record, that the offender does not
7 have the ability to pay the fee in which case it may reduce the fee
8 by an amount up to two-thirds of the maximum allowable fee.

9 ~~((c) The court shall not reduce, waive, or suspend payment of~~
10 ~~all or part of the fee assessed in this section unless it finds, on~~
11 ~~the record, that the offender does not have the ability to pay the~~
12 ~~fee in which case it may reduce the fee by an amount up to two-thirds~~
13 ~~of the maximum allowable fee.~~

14 ~~(d))~~ (8)(a) Fees assessed under this section shall be collected
15 by the clerk of the court and remitted ~~((to the treasurer of the~~
16 ~~county where the offense occurred for deposit in the county general~~
17 ~~fund, except in cases in which the offense occurred in a city or town~~
18 ~~that provides for its own law enforcement, in which case these~~
19 ~~amounts shall be remitted to the treasurer of the city or town for~~
20 ~~deposit in the general fund of the city or town. Revenue from the~~
21 ~~fees must be used for local efforts to reduce the commercial sale of~~
22 ~~sex including, but not limited to, increasing enforcement of~~
23 ~~commercial sex laws.~~

24 ~~(i) At least fifty percent of the revenue from fees imposed under~~
25 ~~this section must be spent on prevention, including education~~
26 ~~programs for offenders, such as john school, and rehabilitative~~
27 ~~services, such as mental health and substance abuse counseling,~~
28 ~~parenting skills, training, housing relief, education, vocational~~
29 ~~training, drop-in centers, and employment counseling.~~

30 ~~(ii))~~ as follows:

31 (i) 45 percent to the treasurer of the county where the offense
32 occurred for deposit in the county general fund, except in cases in
33 which the offense occurred in a city or town that provides for its
34 own law enforcement, in which case these amounts shall be remitted to
35 the treasurer of the city or town for deposit in the general fund of
36 the city or town, and which must be spent on services for victims of
37 trafficking crimes in that jurisdiction;

38 (ii) 45 percent to the treasurer of the county where the offense
39 occurred for deposit in the county general fund, except in cases in
40 which the offense occurred in a city or town that provides for its

1 own law enforcement, in which case these amounts shall be remitted to
2 the treasurer of the city or town for deposit in the general fund of
3 the city or town, and which must be spent on: (A) Local efforts to
4 reduce the commercial sale of sex, including but not limited to
5 increasing enforcement of commercial sex laws; (B) prevention,
6 including education programs for offenders, such as programs to
7 educate and divert persons from soliciting commercial sexual
8 services; and (C) rehabilitative services, such as mental health and
9 substance abuse counseling, parenting skills, training, housing
10 relief, education, vocational training, drop-in centers, and
11 employment counseling; and

12 (iii) 10 percent must be retained by the clerks of the courts for
13 their official services.

14 (b) Revenues from these fees are not subject to the distribution
15 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
16 35.20.220.

17 ~~((5) If the victim of any offense identified in this section is~~
18 ~~a minor, force, fraud, or coercion are not necessary elements of an~~
19 ~~offense and consent to the sexually explicit act or commercial sex~~
20 ~~act does not constitute a defense.~~

21 ~~(6) For purposes of this section:~~

22 ~~(a) "Commercial sex act" means any act of sexual contact or~~
23 ~~sexual intercourse, both as defined in chapter 9A.44 RCW, for which~~
24 ~~something of value is given or received by any person; and~~

25 ~~(b) "Sexually explicit act" means a public, private, or live~~
26 ~~photographed, recorded, or videotaped act or show intended to arouse~~
27 ~~or satisfy the sexual desires or appeal to the prurient interests of~~
28 ~~patrons for which something of value is given or received.)~~

29 NEW SECTION. Sec. 2. (1) The state auditor must conduct a
30 performance audit of the collection and use of mandatory fees
31 assessed pursuant to RCW 9A.40.100. In addition to other measures
32 established by the state auditor, the audit shall:

33 (a) Determine whether jurisdictions are assessing fees consistent
34 with the requirements of RCW 9A.40.100;

35 (b) Determine whether jurisdictions are using the revenue from
36 assessed fees to fund local efforts to reduce the commercial sale of
37 sex as required by RCW 9A.40.100;

1 (c) Determine whether jurisdictions are using at least 50 percent
2 of the revenue from assessed fees on prevention and rehabilitative
3 services as required by RCW 9A.40.100; and

4 (d) If fees are not being assessed or used as required, make
5 recommendations for corrective action.

6 (2) The state auditor may conduct the audit at a sample of
7 jurisdictions as needed.

8 (3) The state auditor shall publish its final audit report no
9 later than December 31, 2025.

10 (4) This section expires January 31, 2026.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.68 RCW
12 to read as follows:

13 (1) Subject to the availability of funds appropriated for this
14 purpose, the commercially sexually exploited children statewide
15 coordinating committee is established to facilitate a statewide
16 coordinated response to the commercial sexual exploitation of
17 children, youth, and young adults 24 years old and younger by relying
18 on the voices of those with lived experience, qualitative and
19 quantitative data, and the collective expertise of youth-serving
20 professionals and youth policy experts to increase supports,
21 protections, and resource identification in the areas of prevention
22 and intervention with a particular emphasis on improving the response
23 of systems of care, including but not limited to child welfare,
24 juvenile criminal legal, health care, and education.

25 (2) The committee is convened by the office of the attorney
26 general. The committee consists of the following members:

27 (a) One member from each of the two largest caucuses of the house
28 of representatives appointed by the speaker of the house of
29 representatives;

30 (b) One member from each of the two largest caucuses of the
31 senate appointed by the president of the senate;

32 (c) A representative of the governor's office appointed by the
33 governor;

34 (d) The secretary of the department of children, youth, and
35 families or his or her designee;

36 (e) The secretary of the juvenile rehabilitation administration
37 or his or her designee;

38 (f) The attorney general or his or her designee;

- 1 (g) The superintendent of public instruction or his or her
2 designee;
- 3 (h) A representative of the administrative office of the courts
4 appointed by the administrative office of the courts;
- 5 (i) A representative of the Washington state patrol;
- 6 (j) The executive director of the Washington association of
7 sheriffs and police chiefs or his or her designee;
- 8 (k) The executive director of the Washington state criminal
9 justice training commission or his or her designee;
- 10 (l) A representative of the Washington association of prosecuting
11 attorneys appointed by the association;
- 12 (m) The executive director of the office of public defense or his
13 or her designee;
- 14 (n) Three representatives of community service providers that
15 provide direct services to commercially sexually exploited children
16 appointed by the attorney general;
- 17 (o) Two representatives of nongovernmental organizations familiar
18 with the issues affecting commercially sexually exploited children
19 appointed by the attorney general;
- 20 (p) The president of the superior court judges' association or
21 his or her designee;
- 22 (q) The president of the juvenile court administrators or his or
23 her designee;
- 24 (r) Any existing chairs of regional task forces on commercially
25 sexually exploited children;
- 26 (s) A representative from the criminal defense bar;
- 27 (t) A representative of the center for children and youth
28 justice;
- 29 (u) A representative from the office of crime victims advocacy;
- 30 (v) The executive director of the Washington coalition of sexual
31 assault programs;
- 32 (w) The executive director of the statewide organization
33 representing children's advocacy centers or his or her designee;
- 34 (x) A representative of an organization that provides inpatient
35 chemical dependency treatment to youth, appointed by the attorney
36 general;
- 37 (y) A representative of an organization that provides mental
38 health treatment to youth, appointed by the attorney general;
- 39 (z) A survivor of human trafficking, appointed by the attorney
40 general;

1 (aa) Two subject matter experts in intervention and prevention of
2 commercial sexual exploitation of children, youth, and young adults;

3 (bb) A representative from a youth advocacy organization;

4 (cc) A representative from the office of homeless youth;

5 (dd) A representative from a homeless youth policy advocacy
6 organization; and

7 (ee) A representative from the LGBTQ+ community.

8 (3) The duties of the committee include, but are not limited to:

9 (a) Overseeing and reviewing the implementation of the Washington
10 state model protocol for commercially sexually exploited children at
11 task force sites;

12 (b) Receiving reports and data from local and regional entities
13 regarding the incidence of commercially sexually exploited children
14 in their areas as well as data information regarding perpetrators,
15 geographic data and location trends, and any other data deemed
16 relevant;

17 (c) Receiving reports on local coordinated community response
18 practices and results of the community responses;

19 (d) Reviewing recommendations from local and regional entities
20 regarding policy and legislative changes that would improve the
21 efficiency and effectiveness of local response practices;

22 (e) Making recommendations regarding policy and legislative
23 changes that would improve the effectiveness of the state's response
24 to and promote best practices for suppression of the commercial
25 sexual exploitation of children;

26 (f) Making recommendations regarding data collection useful to
27 understanding or addressing the problem of commercially sexually
28 exploited children;

29 (g) Reviewing and making recommendations regarding strategic
30 local investments or opportunities for federal and state funding to
31 address the commercial sexual exploitation of children;

32 (h) Compiling data on the number of juveniles believed to be
33 victims of sexual exploitation taken into custody under RCW
34 43.185C.260;

35 (i) Making recommendations on how to fulfill and improve
36 Washington's safe harbor law, chapter 331, Laws of 2020 (Engrossed
37 Third Substitute House Bill 1775), including addressing the lack of
38 receiving centers; and

39 (j) Coordinating efforts on behalf of commercially sexually
40 exploited children and youth across the state so as to avoid

1 duplicative efforts, use resources more efficiently, and increase
2 awareness of available resources.

3 (4) The committee must meet no less than annually.

4 (5) The committee shall annually report its findings and
5 recommendations to the appropriate committees of the legislature and
6 to any other known statewide committees addressing trafficking or the
7 commercial sex trade.

8 (6) This section expires June 30, 2030.

9 **PART I - VICTIM IDENTIFICATION, REPORTING, AND SCREENING**

10 **Sec. 4.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are
11 each reenacted and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Abandoned" means when the child's parent, guardian, or other
15 custodian has expressed, either by statement or conduct, an intent to
16 forego, for an extended period, parental rights or responsibilities
17 despite an ability to exercise such rights and responsibilities. If
18 the court finds that the petitioner has exercised due diligence in
19 attempting to locate the parent, no contact between the child and the
20 child's parent, guardian, or other custodian for a period of three
21 months creates a rebuttable presumption of abandonment, even if there
22 is no expressed intent to abandon.

23 (2) "Child," "juvenile," and "youth" mean:

24 (a) Any individual under the age of eighteen years; or

25 (b) Any individual age eighteen to twenty-one years who is
26 eligible to receive and who elects to receive the extended foster
27 care services authorized under RCW 74.13.031. A youth who remains
28 dependent and who receives extended foster care services under RCW
29 74.13.031 shall not be considered a "child" under any other statute
30 or for any other purpose.

31 (3) "Current placement episode" means the period of time that
32 begins with the most recent date that the child was removed from the
33 home of the parent, guardian, or legal custodian for purposes of
34 placement in out-of-home care and continues until: (a) The child
35 returns home; (b) an adoption decree, a permanent custody order, or
36 guardianship order is entered; or (c) the dependency is dismissed,
37 whichever occurs first.

1 (4) "Department" means the department of children, youth, and
2 families.

3 (5) "Dependency guardian" means the person, nonprofit
4 corporation, or Indian tribe appointed by the court pursuant to this
5 chapter for the limited purpose of assisting the court in the
6 supervision of the dependency.

7 (6) "Dependent child" means any child who:

8 (a) Has been abandoned;

9 (b) Is abused or neglected as defined in (~~chapter 26.44~~) RCW
10 26.44.020 by a person legally responsible for the care of the child;

11 (c) Has no parent, guardian, or custodian capable of adequately
12 caring for the child, such that the child is in circumstances which
13 constitute a danger of substantial damage to the child's
14 psychological or physical development; (~~or~~)

15 (d) Is receiving extended foster care services, as authorized by
16 RCW 74.13.031; or

17 (e) Is a victim of sex trafficking or severe forms of trafficking
18 in persons under the trafficking victims protection act of 2000, 22
19 U.S.C. Sec. 7101 et seq., when the parent is involved in the
20 trafficking, facilitating the trafficking, or should have known that
21 the child is being trafficked.

22 (7) "Developmental disability" means a disability attributable to
23 intellectual disability, cerebral palsy, epilepsy, autism, or another
24 neurological or other condition of an individual found by the
25 secretary of the department of social and health services to be
26 closely related to an intellectual disability or to require treatment
27 similar to that required for individuals with intellectual
28 disabilities, which disability originates before the individual
29 attains age eighteen, which has continued or can be expected to
30 continue indefinitely, and which constitutes a substantial limitation
31 to the individual.

32 (8) "Educational liaison" means a person who has been appointed
33 by the court to fulfill responsibilities outlined in RCW 13.34.046.

34 (9) "Experiencing homelessness" means lacking a fixed, regular,
35 and adequate nighttime residence, including circumstances such as
36 sharing the housing of other persons due to loss of housing, economic
37 hardship, fleeing domestic violence, or a similar reason as described
38 in the federal McKinney-Vento homeless assistance act (Title 42
39 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

1 (10) "Extended foster care services" means residential and other
2 support services the department is authorized to provide under RCW
3 74.13.031. These services may include placement in licensed,
4 relative, or otherwise approved care, or supervised independent
5 living settings; assistance in meeting basic needs; independent
6 living services; medical assistance; and counseling or treatment.

7 (11) "Guardian" means the person or agency that: (a) Has been
8 appointed as the guardian of a child in a legal proceeding, including
9 a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the
10 legal right to custody of the child pursuant to such appointment. The
11 term "guardian" does not include a "dependency guardian" appointed
12 pursuant to a proceeding under this chapter.

13 (12) "Guardian ad litem" means a person, appointed by the court
14 to represent the best interests of a child in a proceeding under this
15 chapter, or in any matter which may be consolidated with a proceeding
16 under this chapter. A "court-appointed special advocate" appointed by
17 the court to be the guardian ad litem for the child, or to perform
18 substantially the same duties and functions as a guardian ad litem,
19 shall be deemed to be guardian ad litem for all purposes and uses of
20 this chapter.

21 (13) "Guardian ad litem program" means a court-authorized
22 volunteer program, which is or may be established by the superior
23 court of the county in which such proceeding is filed, to manage all
24 aspects of volunteer guardian ad litem representation for children
25 alleged or found to be dependent. Such management shall include but
26 is not limited to: Recruitment, screening, training, supervision,
27 assignment, and discharge of volunteers.

28 (14) "Guardianship" means a guardianship pursuant to chapter
29 13.36 RCW or a limited guardianship of a minor pursuant to RCW
30 11.130.215 or equivalent laws of another state or a federally
31 recognized Indian tribe.

32 (15) "Housing assistance" means appropriate referrals by the
33 department or other agencies to federal, state, local, or private
34 agencies or organizations, assistance with forms, applications, or
35 financial subsidies or other monetary assistance for housing. For
36 purposes of this chapter, "housing assistance" is not a remedial
37 service or family reunification service as described in RCW
38 13.34.025(2).

39 (16) "Indigent" means a person who, at any stage of a court
40 proceeding, is:

1 (a) Receiving one of the following types of public assistance:
2 Temporary assistance for needy families, aged, blind, or disabled
3 assistance benefits, medical care services under RCW 74.09.035,
4 pregnant women assistance benefits, poverty-related veterans'
5 benefits, food stamps or food stamp benefits transferred
6 electronically, refugee resettlement benefits, medicaid, or
7 supplemental security income; or

8 (b) Involuntarily committed to a public mental health facility;
9 or

10 (c) Receiving an annual income, after taxes, of one hundred
11 twenty-five percent or less of the federally established poverty
12 level; or

13 (d) Unable to pay the anticipated cost of counsel for the matter
14 before the court because his or her available funds are insufficient
15 to pay any amount for the retention of counsel.

16 (17) "Nonminor dependent" means any individual age eighteen to
17 twenty-one years who is participating in extended foster care
18 services authorized under RCW 74.13.031.

19 (18) "Out-of-home care" means placement in a foster family home
20 or group care facility licensed pursuant to chapter 74.15 RCW or
21 placement in a home, other than that of the child's parent, guardian,
22 or legal custodian, not required to be licensed pursuant to chapter
23 74.15 RCW.

24 (19) "Parent" means the biological or adoptive parents of a
25 child, or an individual who has established a parent-child
26 relationship under RCW 26.26A.100, unless the legal rights of that
27 person have been terminated by a judicial proceeding pursuant to this
28 chapter, chapter 26.33 RCW, or the equivalent laws of another state
29 or a federally recognized Indian tribe.

30 (20) "Prevention and family services and programs" means specific
31 mental health prevention and treatment services, substance abuse
32 prevention and treatment services, and in-home parent skill-based
33 programs that qualify for federal funding under the federal family
34 first prevention services act, P.L. 115-123. For purposes of this
35 chapter, prevention and family services and programs are not remedial
36 services or family reunification services as described in RCW
37 13.34.025(2).

38 (21) "Prevention services" means preservation services, as
39 defined in chapter 74.14C RCW, and other reasonably available
40 services, including housing assistance, capable of preventing the

1 need for out-of-home placement while protecting the child. Prevention
2 services include, but are not limited to, prevention and family
3 services and programs as defined in this section.

4 (22) "Qualified residential treatment program" means a program
5 that meets the requirements provided in RCW 13.34.420, qualifies for
6 funding under the family first prevention services act under 42
7 U.S.C. Sec. 672(k), and, if located within Washington state, is
8 licensed as a group care facility under chapter 74.15 RCW.

9 (23) "Relative" includes persons related to a child in the
10 following ways:

11 (a) Any blood relative, including those of half-blood, and
12 including first cousins, second cousins, nephews or nieces, and
13 persons of preceding generations as denoted by prefixes of grand,
14 great, or great-great;

15 (b) Stepfather, stepmother, stepbrother, and stepsister;

16 (c) A person who legally adopts a child or the child's parent as
17 well as the natural and other legally adopted children of such
18 persons, and other relatives of the adoptive parents in accordance
19 with state law;

20 (d) Spouses of any persons named in (a), (b), or (c) of this
21 subsection, even after the marriage is terminated;

22 (e) Relatives, as named in (a), (b), (c), or (d) of this
23 subsection, of any half sibling of the child; or

24 (f) Extended family members, as defined by the law or custom of
25 the Indian child's tribe or, in the absence of such law or custom, a
26 person who has reached the age of eighteen and who is the Indian
27 child's grandparent, aunt or uncle, brother or sister, brother-in-law
28 or sister-in-law, niece or nephew, first or second cousin, or
29 stepparent who provides care in the family abode on a twenty-four
30 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

31 (24) "Shelter care" means temporary physical care in a facility
32 licensed pursuant to RCW 74.15.030 or in a home not required to be
33 licensed pursuant to RCW 74.15.030.

34 (25) "Sibling" means a child's birth brother, birth sister,
35 adoptive brother, adoptive sister, half-brother, or half-sister, or
36 as defined by the law or custom of the Indian child's tribe for an
37 Indian child as defined in RCW 13.38.040.

38 (26) "Social study" means a written evaluation of matters
39 relevant to the disposition of the case that contains the information
40 required by RCW 13.34.430.

1 (27) "Supervised independent living" includes, but is not limited
2 to, apartment living, room and board arrangements, college or
3 university dormitories, and shared roommate settings. Supervised
4 independent living settings must be approved by the department or the
5 court.

6 (28) "Voluntary placement agreement" means, for the purposes of
7 extended foster care services, a written voluntary agreement between
8 a nonminor dependent who agrees to submit to the care and authority
9 of the department for the purposes of participating in the extended
10 foster care program.

11 **Sec. 5.** RCW 26.44.020 and 2023 c 122 s 5 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Abuse or neglect" means sexual abuse, sexual exploitation,
16 female genital mutilation as defined in RCW 18.130.460, trafficking
17 as described in RCW 9A.40.100, sex trafficking or severe forms of
18 trafficking in persons under the trafficking victims protection act
19 of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any
20 person under circumstances which cause harm to the child's health,
21 welfare, or safety, excluding conduct permitted under RCW 9A.16.100;
22 or the negligent treatment or maltreatment of a child by a person
23 responsible for or providing care to the child. An abused child is a
24 child who has been subjected to child abuse or neglect as defined in
25 this section.

26 (2) "Child" or "children" means any person under the age of
27 eighteen years of age.

28 (3) "Child forensic interview" means a developmentally sensitive
29 and legally sound method of gathering factual information regarding
30 allegations of child abuse, child neglect, or exposure to violence.
31 This interview is conducted by a competently trained, neutral
32 professional utilizing techniques informed by research and best
33 practice as part of a larger investigative process.

34 (4) "Child protective services" means those services provided by
35 the department designed to protect children from child abuse and
36 neglect and safeguard such children from future abuse and neglect,
37 and conduct investigations of child abuse and neglect reports.
38 Investigations may be conducted regardless of the location of the
39 alleged abuse or neglect. Child protective services includes referral

1 to services to ameliorate conditions that endanger the welfare of
2 children, the coordination of necessary programs and services
3 relevant to the prevention, intervention, and treatment of child
4 abuse and neglect, and services to children to ensure that each child
5 has a permanent home. In determining whether protective services
6 should be provided, the department shall not decline to provide such
7 services solely because of the child's unwillingness or developmental
8 inability to describe the nature and severity of the abuse or
9 neglect.

10 (5) "Child protective services section" means the child
11 protective services section of the department.

12 (6) "Child who is a candidate for foster care" means a child who
13 the department identifies as being at imminent risk of entering
14 foster care but who can remain safely in the child's home or in a
15 kinship placement as long as services or programs that are necessary
16 to prevent entry of the child into foster care are provided, and
17 includes but is not limited to a child whose adoption or guardianship
18 arrangement is at risk of a disruption or dissolution that would
19 result in a foster care placement. The term includes a child for whom
20 there is reasonable cause to believe that any of the following
21 circumstances exist:

22 (a) The child has been abandoned by the parent as defined in RCW
23 13.34.030 and the child's health, safety, and welfare is seriously
24 endangered as a result;

25 (b) The child has been abused or neglected as defined in this
26 chapter and the child's health, safety, and welfare is seriously
27 endangered as a result;

28 (c) There is no parent capable of meeting the child's needs such
29 that the child is in circumstances that constitute a serious danger
30 to the child's development;

31 (d) The child is otherwise at imminent risk of harm.

32 (7) "Children's advocacy center" means a child-focused facility
33 in good standing with the state chapter for children's advocacy
34 centers and that coordinates a multidisciplinary process for the
35 investigation, prosecution, and treatment of sexual and other types
36 of child abuse. Children's advocacy centers provide a location for
37 forensic interviews and coordinate access to services such as, but
38 not limited to, medical evaluations, advocacy, therapy, and case
39 review by multidisciplinary teams within the context of county
40 protocols as defined in RCW 26.44.180 and 26.44.185.

1 (8) "Clergy" means any regularly licensed or ordained minister,
2 priest, or rabbi of any church or religious denomination, whether
3 acting in an individual capacity or as an employee or agent of any
4 public or private organization or institution.

5 (9) "Court" means the superior court of the state of Washington,
6 juvenile department.

7 (10) "Department" means the department of children, youth, and
8 families.

9 (11) "Experiencing homelessness" means lacking a fixed, regular,
10 and adequate nighttime residence, including circumstances such as
11 sharing the housing of other persons due to loss of housing, economic
12 hardship, fleeing domestic violence, or a similar reason as described
13 in the federal McKinney-Vento homeless assistance act (Title 42
14 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

15 (12) "Family assessment" means a comprehensive assessment of
16 child safety, risk of subsequent child abuse or neglect, and family
17 strengths and needs that is applied to a child abuse or neglect
18 report. Family assessment does not include a determination as to
19 whether child abuse or neglect occurred, but does determine the need
20 for services to address the safety of the child and the risk of
21 subsequent maltreatment.

22 (13) "Family assessment response" means a way of responding to
23 certain reports of child abuse or neglect made under this chapter
24 using a differential response approach to child protective services.
25 The family assessment response shall focus on the safety of the
26 child, the integrity and preservation of the family, and shall assess
27 the status of the child and the family in terms of risk of abuse and
28 neglect including the parent's or guardian's or other caretaker's
29 capacity and willingness to protect the child and, if necessary, plan
30 and arrange the provision of services to reduce the risk and
31 otherwise support the family. No one is named as a perpetrator, and
32 no investigative finding is entered in the record as a result of a
33 family assessment.

34 (14) "Founded" means the determination following an investigation
35 by the department that, based on available information, it is more
36 likely than not that child abuse or neglect did occur.

37 (15) "Inconclusive" means the determination following an
38 investigation by the department of social and health services, prior
39 to October 1, 2008, that based on available information a decision

1 cannot be made that more likely than not, child abuse or neglect did
2 or did not occur.

3 (16) "Institution" means a private or public hospital or any
4 other facility providing medical diagnosis, treatment, or care.

5 (17) "Law enforcement agency" means the police department, the
6 prosecuting attorney, the state patrol, the director of public
7 safety, or the office of the sheriff.

8 (18) "Malice" or "maliciously" means an intent, wish, or design
9 to intimidate, annoy, or injure another person. Such malice may be
10 inferred from an act done in willful disregard of the rights of
11 another, or an act wrongfully done without just cause or excuse, or
12 an act or omission of duty betraying a willful disregard of social
13 duty.

14 (19) "Negligent treatment or maltreatment" means an act or a
15 failure to act, or the cumulative effects of a pattern of conduct,
16 behavior, or inaction, that evidences a serious disregard of
17 consequences of such magnitude as to constitute a clear and present
18 danger to a child's health, welfare, or safety, including but not
19 limited to conduct prohibited under RCW 9A.42.100. When considering
20 whether a clear and present danger exists, evidence of a parent's
21 substance abuse as a contributing factor to negligent treatment or
22 maltreatment shall be given great weight. The fact that siblings
23 share a bedroom is not, in and of itself, negligent treatment or
24 maltreatment. Poverty, experiencing homelessness, or exposure to
25 domestic violence as defined in RCW 7.105.010 that is perpetrated
26 against someone other than the child does not constitute negligent
27 treatment or maltreatment in and of itself.

28 (20) "Pharmacist" means any registered pharmacist under chapter
29 18.64 RCW, whether acting in an individual capacity or as an employee
30 or agent of any public or private organization or institution.

31 (21) "Practitioner of the healing arts" or "practitioner" means a
32 person licensed by this state to practice podiatric medicine and
33 surgery, optometry, chiropractic, nursing, dentistry, osteopathic
34 medicine and surgery, or medicine and surgery or to provide other
35 health services. The term "practitioner" includes a duly accredited
36 Christian Science practitioner. A person who is being furnished
37 Christian Science treatment by a duly accredited Christian Science
38 practitioner will not be considered, for that reason alone, a
39 neglected person for the purposes of this chapter.

1 (22) "Prevention and family services and programs" means specific
2 mental health prevention and treatment services, substance abuse
3 prevention and treatment services, and in-home parent skill-based
4 programs that qualify for federal funding under the federal family
5 first prevention services act, P.L. 115-123. For purposes of this
6 chapter, prevention and family services and programs are not remedial
7 services or family reunification services as described in RCW
8 13.34.025(2).

9 (23) "Professional school personnel" include, but are not limited
10 to, teachers, counselors, administrators, child care facility
11 personnel, and school nurses.

12 (24) "Psychologist" means any person licensed to practice
13 psychology under chapter 18.83 RCW, whether acting in an individual
14 capacity or as an employee or agent of any public or private
15 organization or institution.

16 (25) "Screened-out report" means a report of alleged child abuse
17 or neglect that the department has determined does not rise to the
18 level of a credible report of abuse or neglect and is not referred
19 for investigation.

20 (26) "Sexual exploitation" includes: (a) Allowing, permitting, or
21 encouraging a child to engage in prostitution by any person; or (b)
22 allowing, permitting, encouraging, or engaging in the obscene or
23 pornographic photographing, filming, or depicting of a child by any
24 person.

25 (27) "Sexually aggressive youth" means a child who is defined in
26 RCW 74.13.075(1)(b) as being a sexually aggressive youth.

27 (28) "Social service counselor" means anyone engaged in a
28 professional capacity during the regular course of employment in
29 encouraging or promoting the health, welfare, support, or education
30 of children, or providing social services to adults or families,
31 including mental health, drug and alcohol treatment, and domestic
32 violence programs, whether in an individual capacity, or as an
33 employee or agent of any public or private organization or
34 institution.

35 (29) "Unfounded" means the determination following an
36 investigation by the department that available information indicates
37 that, more likely than not, child abuse or neglect did not occur, or
38 that there is insufficient evidence for the department to determine
39 whether the alleged child abuse did or did not occur.

1 **Sec. 6.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to
2 read as follows:

3 (1)(a) When any practitioner, county coroner or medical examiner,
4 law enforcement officer, professional school personnel, registered or
5 licensed nurse, social service counselor, psychologist, pharmacist,
6 employee of the department of children, youth, and families, licensed
7 or certified child care providers or their employees, employee of the
8 department of social and health services, juvenile probation officer,
9 diversion unit staff, placement and liaison specialist, responsible
10 living skills program staff, HOPE center staff, state family and
11 children's ombuds or any volunteer in the (~~ombuds's~~) ombuds'
12 office, or host home program has reasonable cause to believe that a
13 child has suffered abuse or neglect, he or she shall report such
14 incident, or cause a report to be made, to the proper law enforcement
15 agency or to the department as provided in RCW 26.44.040.

16 (b) When any person, in his or her official supervisory capacity
17 with a nonprofit or for-profit organization, has reasonable cause to
18 believe that a child has suffered abuse or neglect caused by a person
19 over whom he or she regularly exercises supervisory authority, he or
20 she shall report such incident, or cause a report to be made, to the
21 proper law enforcement agency, provided that the person alleged to
22 have caused the abuse or neglect is employed by, contracted by, or
23 volunteers with the organization and coaches, trains, educates, or
24 counsels a child or children or regularly has unsupervised access to
25 a child or children as part of the employment, contract, or voluntary
26 service. No one shall be required to report under this section when
27 he or she obtains the information solely as a result of a privileged
28 communication as provided in RCW 5.60.060.

29 Nothing in this subsection (1)(b) shall limit a person's duty to
30 report under (a) of this subsection.

31 For the purposes of this subsection, the following definitions
32 apply:

33 (i) "Official supervisory capacity" means a position, status, or
34 role created, recognized, or designated by any nonprofit or for-
35 profit organization, either for financial gain or without financial
36 gain, whose scope includes, but is not limited to, overseeing,
37 directing, or managing another person who is employed by, contracted
38 by, or volunteers with the nonprofit or for-profit organization.

39 (ii) "Organization" includes a sole proprietor, partnership,
40 corporation, limited liability company, trust, association, financial

1 institution, governmental entity, other than the federal government,
2 and any other individual or group engaged in a trade, occupation,
3 enterprise, governmental function, charitable function, or similar
4 activity in this state whether or not the entity is operated as a
5 nonprofit or for-profit entity.

6 (iii) "Reasonable cause" means a person witnesses or receives a
7 credible written or oral report alleging abuse, including sexual
8 contact, or neglect of a child.

9 (iv) "Regularly exercises supervisory authority" means to act in
10 his or her official supervisory capacity on an ongoing or continuing
11 basis with regards to a particular person.

12 (v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

13 (c) The reporting requirement also applies to department of
14 corrections personnel who, in the course of their employment, observe
15 offenders or the children with whom the offenders are in contact. If,
16 as a result of observations or information received in the course of
17 his or her employment, any department of corrections personnel has
18 reasonable cause to believe that a child has suffered abuse or
19 neglect, he or she shall report the incident, or cause a report to be
20 made, to the proper law enforcement agency or to the department as
21 provided in RCW 26.44.040.

22 (d) The reporting requirement shall also apply to any adult who
23 has reasonable cause to believe that a child who resides with them,
24 has suffered severe abuse, and is able or capable of making a report.
25 For the purposes of this subsection, "severe abuse" means any of the
26 following: Any single act of abuse that causes physical trauma of
27 sufficient severity that, if left untreated, could cause death; any
28 single act of sexual abuse that causes significant bleeding, deep
29 bruising, or significant external or internal swelling; or more than
30 one act of physical abuse, each of which causes bleeding, deep
31 bruising, significant external or internal swelling, bone fracture,
32 or unconsciousness.

33 (e) The reporting requirement also applies to guardians ad litem,
34 including court-appointed special advocates, appointed under Titles
35 11 and 13 RCW and this title, who in the course of their
36 representation of children in these actions have reasonable cause to
37 believe a child has been abused or neglected.

38 (f) The reporting requirement in (a) of this subsection also
39 applies to administrative and academic or athletic department
40 employees, including student employees, of institutions of higher

1 education, as defined in RCW 28B.10.016, and of private institutions
2 of higher education.

3 (g) The report must be made at the first opportunity, but in no
4 case longer than forty-eight hours after there is reasonable cause to
5 believe that the child has suffered abuse or neglect. The report must
6 include the identity of the accused if known.

7 (2) The reporting requirement of subsection (1) of this section
8 does not apply to the discovery of abuse or neglect that occurred
9 during childhood if it is discovered after the child has become an
10 adult. However, if there is reasonable cause to believe other
11 children are or may be at risk of abuse or neglect by the accused,
12 the reporting requirement of subsection (1) of this section does
13 apply.

14 (3) Any other person who has reasonable cause to believe that a
15 child has suffered abuse or neglect may report such incident to the
16 proper law enforcement agency or to the department as provided in RCW
17 26.44.040.

18 (4) The department, upon receiving a report of an incident of
19 alleged abuse or neglect pursuant to this chapter, involving a child
20 who has died or has had physical injury or injuries inflicted upon
21 him or her other than by accidental means or who has been subjected
22 to alleged sexual abuse, shall report such incident to the proper law
23 enforcement agency, including military law enforcement, if
24 appropriate. In emergency cases, where the child's welfare is
25 endangered, the department shall notify the proper law enforcement
26 agency within twenty-four hours after a report is received by the
27 department. In all other cases, the department shall notify the law
28 enforcement agency within seventy-two hours after a report is
29 received by the department. If the department makes an oral report, a
30 written report must also be made to the proper law enforcement agency
31 within five days thereafter.

32 (5) Any law enforcement agency receiving a report of an incident
33 of alleged abuse or neglect pursuant to this chapter, involving a
34 child who has died or has had physical injury or injuries inflicted
35 upon him or her other than by accidental means, or who has been
36 subjected to alleged sexual abuse, shall report such incident in
37 writing as provided in RCW 26.44.040 to the proper county prosecutor
38 or city attorney for appropriate action whenever the law enforcement
39 agency's investigation reveals that a crime may have been committed.
40 The law enforcement agency shall also notify the department of all

1 reports received and the law enforcement agency's disposition of
2 them. In emergency cases, where the child's welfare is endangered,
3 the law enforcement agency shall notify the department within twenty-
4 four hours. In all other cases, the law enforcement agency shall
5 notify the department within seventy-two hours after a report is
6 received by the law enforcement agency.

7 (6) Any county prosecutor or city attorney receiving a report
8 under subsection (5) of this section shall notify the victim, any
9 persons the victim requests, and the local office of the department,
10 of the decision to charge or decline to charge a crime, within five
11 days of making the decision.

12 (7) The department may conduct ongoing case planning and
13 consultation with those persons or agencies required to report under
14 this section, with consultants designated by the department, and with
15 designated representatives of Washington Indian tribes if the client
16 information exchanged is pertinent to cases currently receiving child
17 protective services. Upon request, the department shall conduct such
18 planning and consultation with those persons required to report under
19 this section if the department determines it is in the best interests
20 of the child. Information considered privileged by statute and not
21 directly related to reports required by this section must not be
22 divulged without a valid written waiver of the privilege.

23 (8) Any case referred to the department by a physician licensed
24 under chapter 18.57 or 18.71 RCW on the basis of an expert medical
25 opinion that child abuse, neglect, or sexual assault has occurred and
26 that the child's safety will be seriously endangered if returned
27 home, the department shall file a dependency petition unless a second
28 licensed physician of the parents' choice believes that such expert
29 medical opinion is incorrect. If the parents fail to designate a
30 second physician, the department may make the selection. If a
31 physician finds that a child has suffered abuse or neglect but that
32 such abuse or neglect does not constitute imminent danger to the
33 child's health or safety, and the department agrees with the
34 physician's assessment, the child may be left in the parents' home
35 while the department proceeds with reasonable efforts to remedy
36 parenting deficiencies.

37 (9) Persons or agencies exchanging information under subsection
38 (7) of this section shall not further disseminate or release the
39 information except as authorized by state or federal statute.
40 Violation of this subsection is a misdemeanor.

1 (10) Upon receiving a report that a child is a candidate for
2 foster care as defined in RCW 26.44.020, the department may provide
3 prevention and family services and programs to the child's parents,
4 guardian, or caregiver. The department may not be held civilly liable
5 for the decision regarding whether to provide prevention and family
6 services and programs, or for the provision of those services and
7 programs, for a child determined to be a candidate for foster care.

8 (11) Upon receiving a report of alleged abuse or neglect, the
9 department shall make reasonable efforts to learn the name, address,
10 and telephone number of each person making a report of abuse or
11 neglect under this section. The department shall provide assurances
12 of appropriate confidentiality of the identification of persons
13 reporting under this section. If the department is unable to learn
14 the information required under this subsection, the department shall
15 only investigate cases in which:

16 (a) The department believes there is a serious threat of
17 substantial harm to the child;

18 (b) The report indicates conduct involving a criminal offense
19 that has, or is about to occur, in which the child is the victim; or

20 (c) The department has a prior founded report of abuse or neglect
21 with regard to a member of the household that is within three years
22 of receipt of the referral.

23 (12)(a) Upon receiving a report of alleged abuse or neglect, the
24 department shall use one of the following discrete responses to
25 reports of child abuse or neglect that are screened in and accepted
26 for departmental response:

27 (i) Investigation; or

28 (ii) Family assessment.

29 (b) In making the response in (a) of this subsection the
30 department shall:

31 (i) Use a method by which to assign cases to investigation or
32 family assessment which are based on an array of factors that may
33 include the presence of: Imminent danger, level of risk, number of
34 previous child abuse or neglect reports, or other presenting case
35 characteristics, such as the type of alleged maltreatment and the age
36 of the alleged victim. Age of the alleged victim shall not be used as
37 the sole criterion for determining case assignment;

38 (ii) Allow for a change in response assignment based on new
39 information that alters risk or safety level;

1 (iii) Allow families assigned to family assessment to choose to
2 receive an investigation rather than a family assessment;

3 (iv) Provide a full investigation if a family refuses the initial
4 family assessment;

5 (v) Provide voluntary services to families based on the results
6 of the initial family assessment. If a family refuses voluntary
7 services, and the department cannot identify specific facts related
8 to risk or safety that warrant assignment to investigation under this
9 chapter, and there is not a history of reports of child abuse or
10 neglect related to the family, then the department must close the
11 family assessment response case. However, if at any time the
12 department identifies risk or safety factors that warrant an
13 investigation under this chapter, then the family assessment response
14 case must be reassigned to investigation;

15 (vi) Conduct an investigation, and not a family assessment, in
16 response to an allegation that, the department determines based on
17 the intake assessment:

18 (A) Indicates a child's health, safety, and welfare will be
19 seriously endangered if not taken into custody for reasons including,
20 but not limited to, sexual abuse and sexual exploitation of the child
21 as defined in this chapter;

22 (B) Poses a serious threat of substantial harm to a child;

23 (C) Constitutes conduct involving a criminal offense that has, or
24 is about to occur, in which the child is the victim;

25 (D) The child is an abandoned child as defined in RCW 13.34.030;

26 (E) The child is an adjudicated dependent child as defined in RCW
27 13.34.030, or the child is in a facility that is licensed, operated,
28 or certified for care of children by the department under chapter
29 74.15 RCW.

30 (c) In addition, the department may use a family assessment
31 response to assess for and provide prevention and family services and
32 programs, as defined in RCW 26.44.020, for the following children and
33 their families, consistent with requirements under the federal family
34 first prevention services act and this section:

35 (i) A child who is a candidate for foster care, as defined in RCW
36 26.44.020; and

37 (ii) A child who is in foster care and who is pregnant,
38 parenting, or both.

39 (d) The department may not be held civilly liable for the
40 decision to respond to an allegation of child abuse or neglect by

1 using the family assessment response under this section unless the
2 state or its officers, agents, or employees acted with reckless
3 disregard.

4 (13)(a) For reports of alleged abuse or neglect that are accepted
5 for investigation by the department, the investigation shall be
6 conducted within time frames established by the department in rule.
7 In no case shall the investigation extend longer than ninety days
8 from the date the report is received, unless the investigation is
9 being conducted under a written protocol pursuant to RCW 26.44.180
10 and a law enforcement agency or prosecuting attorney has determined
11 that a longer investigation period is necessary. At the completion of
12 the investigation, the department shall make a finding that the
13 report of child abuse or neglect is founded or unfounded.

14 (b) If a court in a civil or criminal proceeding, considering the
15 same facts or circumstances as are contained in the report being
16 investigated by the department, makes a judicial finding by a
17 preponderance of the evidence or higher that the subject of the
18 pending investigation has abused or neglected the child, the
19 department shall adopt the finding in its investigation.

20 (14) For reports of alleged abuse or neglect that are responded
21 to through family assessment response, the department shall:

22 (a) Provide the family with a written explanation of the
23 procedure for assessment of the child and the family and its
24 purposes;

25 (b) Collaborate with the family to identify family strengths,
26 resources, and service needs, and develop a service plan with the
27 goal of reducing risk of harm to the child and improving or restoring
28 family well-being;

29 (c) Complete the family assessment response within forty-five
30 days of receiving the report except as follows:

31 (i) Upon parental agreement, the family assessment response
32 period may be extended up to one hundred twenty days. The
33 department's extension of the family assessment response period must
34 be operated within the department's appropriations;

35 (ii) For cases in which the department elects to use a family
36 assessment response as authorized under subsection (12)(c) of this
37 section, and upon agreement of the child's parent, legal guardian,
38 legal custodian, or relative placement, the family assessment
39 response period may be extended up to one year. The department's

1 extension of the family assessment response must be operated within
2 the department's appropriations.

3 (d) Offer services to the family in a manner that makes it clear
4 that acceptance of the services is voluntary;

5 (e) Implement the family assessment response in a consistent and
6 cooperative manner;

7 (f) Have the parent or guardian agree to participate in services
8 before services are initiated. The department shall inform the
9 parents of their rights under family assessment response, all of
10 their options, and the options the department has if the parents do
11 not agree to participate in services.

12 (15)(a) In conducting an investigation or family assessment of
13 alleged abuse or neglect, the department or law enforcement agency:

14 (i) May interview children. If the department determines that the
15 response to the allegation will be family assessment response, the
16 preferred practice is to request a parent's, guardian's, or
17 custodian's permission to interview the child before conducting the
18 child interview unless doing so would compromise the safety of the
19 child or the integrity of the assessment. The interviews may be
20 conducted on school premises, at day-care facilities, at the child's
21 home, or at other suitable locations outside of the presence of
22 parents. If the allegation is investigated, parental notification of
23 the interview must occur at the earliest possible point in the
24 investigation that will not jeopardize the safety or protection of
25 the child or the course of the investigation. Prior to commencing the
26 interview the department or law enforcement agency shall determine
27 whether the child wishes a third party to be present for the
28 interview and, if so, shall make reasonable efforts to accommodate
29 the child's wishes. Unless the child objects, the department or law
30 enforcement agency shall make reasonable efforts to include a third
31 party in any interview so long as the presence of the third party
32 will not jeopardize the course of the investigation; and

33 (ii) Shall have access to all relevant records of the child in
34 the possession of mandated reporters and their employees.

35 (b) The Washington state school directors' association shall
36 adopt a model policy addressing protocols when an interview, as
37 authorized by this subsection, is conducted on school premises. In
38 formulating its policy, the association shall consult with the
39 department and the Washington association of sheriffs and police
40 chiefs.

1 (16) If a report of alleged abuse or neglect is founded and
2 constitutes the third founded report received by the department
3 within the last twelve months involving the same child or family, the
4 department shall promptly notify the office of the family and
5 children's ombuds of the contents of the report. The department shall
6 also notify the ombuds of the disposition of the report.

7 (17) In investigating and responding to allegations of child
8 abuse and neglect, the department may conduct background checks as
9 authorized by state and federal law.

10 (18)(a) The department shall maintain investigation records and
11 conduct timely and periodic reviews of all founded cases of abuse and
12 neglect. The department shall maintain a log of screened-out
13 nonabusive cases.

14 (b) In the family assessment response, the department shall not
15 make a finding as to whether child abuse or neglect occurred. No one
16 shall be named as a perpetrator and no investigative finding shall be
17 entered in the department's child abuse or neglect database.

18 (19) The department shall use a risk assessment process when
19 investigating alleged child abuse and neglect referrals. The
20 department shall present the risk factors at all hearings in which
21 the placement of a dependent child is an issue. Substance abuse must
22 be a risk factor.

23 (20) Upon receipt of a report of alleged abuse or neglect the law
24 enforcement agency may arrange to interview the person making the
25 report and any collateral sources to determine if any malice is
26 involved in the reporting.

27 (21) Upon receiving a report of alleged abuse or neglect
28 involving a child under the court's jurisdiction under chapter 13.34
29 RCW, the department shall promptly notify the child's guardian ad
30 litem of the report's contents. The department shall also notify the
31 guardian ad litem of the disposition of the report. For purposes of
32 this subsection, "guardian ad litem" has the meaning provided in RCW
33 13.34.030.

34 (22) The department shall make efforts as soon as practicable to
35 determine the military status of parents whose children are subject
36 to abuse or neglect allegations. If the department determines that a
37 parent or guardian is in the military, the department shall notify a
38 department of defense family advocacy program that there is an
39 allegation of abuse and neglect that is screened in and open for
40 investigation that relates to that military parent or guardian.

1 (23) The department shall make available on its public website a
2 downloadable and printable poster that includes the reporting
3 requirements included in this section. The poster must be no smaller
4 than eight and one-half by eleven inches with all information on one
5 side. The poster must be made available in both the English and
6 Spanish languages. Organizations that include employees or volunteers
7 subject to the reporting requirements of this section must clearly
8 display this poster in a common area. At a minimum, this poster must
9 include the following:

- 10 (a) Who is required to report child abuse and neglect;
- 11 (b) The standard of knowledge to justify a report;
- 12 (c) The definition of reportable crimes;
- 13 (d) Where to report suspected child abuse and neglect; and
- 14 (e) What should be included in a report and the appropriate
15 timing.

16 NEW SECTION. **Sec. 7.** A new section is added to chapter 26.44
17 RCW to read as follows:

18 (1) The department must use a validated assessment tool to screen
19 a child for commercial sexual abuse of a minor if a report of abuse
20 and neglect under RCW 26.44.030 alleges commercial sexual abuse of a
21 minor.

22 (2) Whenever there is reasonable cause to believe that a child
23 under the jurisdiction of a juvenile justice agency has suffered
24 commercial sexual abuse of a minor, the juvenile justice agency must
25 use a validated assessment tool to screen the child for commercial
26 sexual abuse of a minor and report such abuse and neglect pursuant to
27 RCW 26.44.030.

28 (3) For purposes of this section, "juvenile justice agency" means
29 any of the following: Law enforcement; diversion units; juvenile
30 courts; detention centers; and persons or public or private agencies
31 having children committed to their custody.

32 **Sec. 8.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to
33 read as follows:

34 (1) The department shall develop, administer, supervise, and
35 monitor a coordinated and comprehensive plan that establishes, aids,
36 and strengthens services for the protection and care of runaway,
37 dependent, or neglected children.

1 (2) Within available resources, the department shall recruit an
2 adequate number of prospective adoptive and foster homes, both
3 regular and specialized, i.e. homes for children of ethnic minority,
4 including Indian homes for Indian children, sibling groups, children
5 with disabilities or behavioral health conditions, teens, pregnant
6 and parenting teens, and the department shall annually provide data
7 and information to the governor and the legislature concerning the
8 department's success in: (a) Placing children with relatives; (b)
9 providing supports to kinship caregivers including guardianship
10 assistance payments; (c) supporting relatives to pass home studies
11 and become licensed caregivers; and (d) meeting the need for
12 nonrelative family foster homes when children cannot be placed with
13 relatives.

14 (3) The department shall investigate complaints of any recent act
15 or failure to act on the part of a parent or caretaker that results
16 in death, serious physical or emotional harm, or sexual abuse or
17 exploitation, or that presents an imminent risk of serious harm, and
18 on the basis of the findings of such investigation, offer child
19 welfare services in relation to the problem to such parents, legal
20 custodians, or persons serving in loco parentis, and/or bring the
21 situation to the attention of an appropriate court, or another
22 community agency. An investigation is not required of nonaccidental
23 injuries which are clearly not the result of a lack of care or
24 supervision by the child's parents, legal custodians, or persons
25 serving in loco parentis. If the investigation reveals that a crime
26 against a child may have been committed, the department shall notify
27 the appropriate law enforcement agency.

28 (4) The department shall make recommendations to the legislature
29 about the types of services that need to be offered to children who
30 have been identified by a state or local agency as being a victim of
31 either sex trafficking or severe forms of trafficking in persons
32 described under the trafficking victims protection act of 2000, 22
33 U.S.C. Sec. 7101 et seq.

34 (5) For children identified as victims of sex trafficking and
35 victims of severe forms of trafficking in persons described under the
36 trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et
37 seq., the department:

38 (a) Shall assess and offer services to dependent children as
39 described under RCW 13.34.030; and

1 (b) May assess and offer services to children who have not been
2 found dependent.

3 (6) As provided in RCW 26.44.030, the department may respond to a
4 report of child abuse or neglect by using the family assessment
5 response.

6 ~~((+5))~~ (7) The department shall offer, on a voluntary basis,
7 family reconciliation services to families who are in conflict.

8 ~~((+6))~~ (8) The department shall monitor placements of children
9 in out-of-home care and in-home dependencies to assure the safety,
10 well-being, and quality of care being provided is within the scope of
11 the intent of the legislature as defined in RCW 74.13.010 and
12 74.15.010. Under this section children in out-of-home care and in-
13 home dependencies and their caregivers shall receive a private and
14 individual face-to-face visit each month. The department shall
15 randomly select no less than ten percent of the caregivers currently
16 providing care to receive one unannounced face-to-face visit in the
17 caregiver's home per year. No caregiver will receive an unannounced
18 visit through the random selection process for two consecutive years.
19 If the caseworker makes a good faith effort to conduct the
20 unannounced visit to a caregiver and is unable to do so, that month's
21 visit to that caregiver need not be unannounced. The department is
22 encouraged to group monthly visits to caregivers by geographic area
23 so that in the event an unannounced visit cannot be completed, the
24 caseworker may complete other required monthly visits. The department
25 shall use a method of random selection that does not cause a fiscal
26 impact to the department.

27 The department shall conduct the monthly visits with children and
28 caregivers to whom it is providing child welfare services.

29 ~~((+7))~~ (9) The department shall have authority to accept custody
30 of children from parents and to accept custody of children from
31 juvenile courts, where authorized to do so under law, to provide
32 child welfare services including placement for adoption, to provide
33 for the routine and necessary medical, dental, and mental health
34 care, or necessary emergency care of the children, and to provide for
35 the physical care of such children and make payment of maintenance
36 costs if needed. Except where required by Public Law 95-608 (25
37 U.S.C. Sec. 1915), no private adoption agency which receives children
38 for adoption from the department shall discriminate on the basis of
39 race, creed, or color when considering applications in their
40 placement for adoption.

1 ~~((8))~~ (10) The department may accept custody of children from
2 parents through a voluntary placement agreement to provide child
3 welfare services. The department may place children with a relative,
4 a suitable person, or a licensed foster home under a voluntary
5 placement agreement. In seeking a placement for a voluntary placement
6 agreement, the department should consider the preferences of the
7 parents and attempt to place with relatives or suitable persons over
8 licensed foster care.

9 ~~((9))~~ (11) The department shall have authority to provide
10 temporary shelter to children who have run away from home and who are
11 admitted to crisis residential centers.

12 ~~((10))~~ (12) The department shall have authority to purchase
13 care for children.

14 ~~((11))~~ (13) The department shall establish a children's
15 services advisory committee which shall assist the secretary in the
16 development of a partnership plan for utilizing resources of the
17 public and private sectors, and advise on all matters pertaining to
18 child welfare, licensing of child care agencies, adoption, and
19 services related thereto. At least one member shall represent the
20 adoption community.

21 ~~((12))~~ (14) (a) The department shall provide continued extended
22 foster care services to nonminor dependents who are:

23 (i) Enrolled in a secondary education program or a secondary
24 education equivalency program;

25 (ii) Enrolled and participating in a postsecondary academic or
26 postsecondary vocational education program;

27 (iii) Participating in a program or activity designed to promote
28 employment or remove barriers to employment;

29 (iv) Engaged in employment for eighty hours or more per month; or

30 (v) Not able to engage in any of the activities described in
31 (a)(i) through (iv) of this subsection due to a documented medical
32 condition.

33 (b) To be eligible for extended foster care services, the
34 nonminor dependent must have been dependent at the time that he or
35 she reached age eighteen years. If the dependency case of the
36 nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she
37 may receive extended foster care services pursuant to a voluntary
38 placement agreement under RCW 74.13.336 or pursuant to an order of
39 dependency issued by the court under RCW 13.34.268. A nonminor
40 dependent whose dependency case was dismissed by the court may

1 request extended foster care services before reaching age twenty-one
2 years. Eligible nonminor dependents may unenroll and reenroll in
3 extended foster care through a voluntary placement agreement an
4 unlimited number of times between ages eighteen and twenty-one.

5 (c) The department shall develop and implement rules regarding
6 youth eligibility requirements.

7 (d) The department shall make efforts to ensure that extended
8 foster care services maximize medicaid reimbursements. This must
9 include the department ensuring that health and mental health
10 extended foster care providers participate in medicaid, unless the
11 condition of the extended foster care youth requires specialty care
12 that is not available among participating medicaid providers or there
13 are no participating medicaid providers in the area. The department
14 shall coordinate other services to maximize federal resources and the
15 most cost-efficient delivery of services to extended foster care
16 youth.

17 (e) The department shall allow a youth who has received extended
18 foster care services, but lost his or her eligibility, to reenter the
19 extended foster care program an unlimited number of times through a
20 voluntary placement agreement when he or she meets the eligibility
21 criteria again.

22 ~~((13))~~ (15) The department shall have authority to provide
23 adoption support benefits on behalf of youth ages 18 to 21 years who
24 achieved permanency through adoption at age 16 or older and who meet
25 the criteria described in subsection ~~((12))~~ (14) of this section.

26 ~~((14))~~ (16) The department shall have the authority to provide
27 guardianship subsidies on behalf of youth ages 18 to 21 who achieved
28 permanency through guardianship and who meet the criteria described
29 in subsection ~~((12))~~ (14) of this section.

30 ~~((15))~~ (17) The department shall refer cases to the division of
31 child support whenever state or federal funds are expended for the
32 care and maintenance of a child, including a child with a
33 developmental disability who is placed as a result of an action under
34 chapter 13.34 RCW, unless the department finds that there is good
35 cause not to pursue collection of child support against the parent or
36 parents of the child. Cases involving individuals age eighteen
37 through twenty shall not be referred to the division of child support
38 unless required by federal law.

39 ~~((16))~~ (18) The department shall have authority within funds
40 appropriated for foster care services to purchase care for Indian

1 children who are in the custody of a federally recognized Indian
2 tribe or tribally licensed child-placing agency pursuant to parental
3 consent, tribal court order, or state juvenile court order. The
4 purchase of such care is exempt from the requirements of chapter
5 74.13B RCW and may be purchased from the federally recognized Indian
6 tribe or tribally licensed child-placing agency, and shall be subject
7 to the same eligibility standards and rates of support applicable to
8 other children for whom the department purchases care.

9 Notwithstanding any other provision of RCW 13.32A.170 through
10 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section
11 all services to be provided by the department under subsections
12 (~~(4), (7), and (9)~~) (6), (9), and (11) of this section, subject to
13 the limitations of these subsections, may be provided by any program
14 offering such services funded pursuant to Titles II and III of the
15 federal juvenile justice and delinquency prevention act of 1974.

16 (~~(17)~~) (19) The department may, within funds appropriated for
17 guardianship subsidies, provide subsidies for eligible guardians who
18 are appointed as guardian of an Indian child by the tribal court of a
19 federally recognized tribe located in Washington state, as defined in
20 RCW 13.38.040. The provision of subsidies shall be subject to the
21 same eligibility standards and rates of support applicable to other
22 children for whom the department provides subsidies. To be eligible,
23 the guardian must either be certified by a department-licensed child-
24 placing agency or licensed by a federally recognized tribe located in
25 Washington state that is a Title IV-E agency, as defined in 45 C.F.R.
26 1355.20.

27 (~~(18)~~) (20) Within amounts appropriated for this specific
28 purpose, the department shall provide preventive services to families
29 with children that prevent or shorten the duration of an out-of-home
30 placement.

31 (~~(19)~~) (21) The department shall have authority to provide
32 independent living services to youths, including individuals who have
33 attained eighteen years of age, and have not attained twenty-three
34 years of age, who are or have been in the department's care and
35 custody, or who are or were nonminor dependents.

36 (~~(20)~~) (22) The department shall consult at least quarterly
37 with foster parents, including members of the foster parent
38 association of Washington state, for the purpose of receiving
39 information and comment regarding how the department is performing
40 the duties and meeting the obligations specified in this section and

1 RCW 74.13.250 regarding the recruitment of foster homes, reducing
2 foster parent turnover rates, providing effective training for foster
3 parents, and administering a coordinated and comprehensive plan that
4 strengthens services for the protection of children. Consultation
5 shall occur at the regional and statewide levels.

6 ~~((21))~~ (23)(a) The department shall, within current funding
7 levels, place on its public website a document listing the duties and
8 responsibilities the department has to a child subject to a
9 dependency petition including, but not limited to, the following:

10 (i) Reasonable efforts, including the provision of services,
11 toward reunification of the child with his or her family;

12 (ii) Sibling visits subject to the restrictions in RCW
13 13.34.136(2)(b)(ii);

14 (iii) Parent-child visits;

15 (iv) Statutory preference for placement with a relative or other
16 suitable person, if appropriate; and

17 (v) Statutory preference for an out-of-home placement that allows
18 the child to remain in the same school or school district, if
19 practical and in the child's best interests.

20 (b) The document must be prepared in conjunction with a
21 community-based organization and must be updated as needed.

22 ~~((22))~~ (24)(a) The department shall have the authority to
23 purchase legal representation for parents or kinship caregivers, or
24 both, of children who are at risk of being dependent, or who are
25 dependent, to establish or modify a parenting plan under RCW
26 13.34.155 or chapter 26.09, 26.26A, or 26.26B RCW or secure orders
27 establishing other relevant civil legal relationships authorized by
28 law, when it is necessary for the child's safety, permanence, or
29 well-being. The department's purchase of legal representation for
30 kinship caregivers must be within the department's appropriations.
31 This subsection does not create an entitlement to legal
32 representation purchased by the department and does not create
33 judicial authority to order the department to purchase legal
34 representation for a parent or kinship caregiver. Such determinations
35 are solely within the department's discretion. The term "kinship
36 caregiver" as used in this section means a caregiver who meets the
37 definition of "kin" in RCW 74.13.600(1), unless the child is an
38 Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For
39 an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903,
40 the term "kinship caregiver" as used in this section means a

1 caregiver who is an "extended family member" as defined in RCW
2 13.38.040(8).

3 (b) The department is encouraged to work with the office of
4 public defense parent representation program and the office of civil
5 legal aid to develop a cost-effective system for providing effective
6 civil legal representation for parents and kinship caregivers if it
7 exercises its authority under this subsection.

8 **PART II - CIVIL PROTECTION ORDERS**

9 **Sec. 9.** RCW 7.105.010 and 2022 c 268 s 1 and 2022 c 231 s 8 are
10 each reenacted and amended to read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Abandonment" means action or inaction by a person or entity
14 with a duty of care for a vulnerable adult that leaves the vulnerable
15 adult without the means or ability to obtain necessary food,
16 clothing, shelter, or health care.

17 (2) "Abuse," for the purposes of a vulnerable adult protection
18 order, means intentional, willful, or reckless action or inaction
19 that inflicts injury, unreasonable confinement, intimidation, or
20 punishment on a vulnerable adult. In instances of abuse of a
21 vulnerable adult who is unable to express or demonstrate physical
22 harm, pain, or mental anguish, the abuse is presumed to cause
23 physical harm, pain, or mental anguish. "Abuse" includes sexual
24 abuse, mental abuse, physical abuse, personal exploitation, and
25 improper use of restraint against a vulnerable adult, which have the
26 following meanings:

27 (a) "Improper use of restraint" means the inappropriate use of
28 chemical, physical, or mechanical restraints for convenience or
29 discipline, or in a manner that: (i) Is inconsistent with federal or
30 state licensing or certification requirements for facilities,
31 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
32 not medically authorized; or (iii) otherwise constitutes abuse under
33 this section.

34 (b) "Mental abuse" means an intentional, willful, or reckless
35 verbal or nonverbal action that threatens, humiliates, harasses,
36 coerces, intimidates, isolates, unreasonably confines, or punishes a
37 vulnerable adult. "Mental abuse" may include ridiculing, yelling,

1 swearing, or withholding or tampering with prescribed medications or
2 their dosage.

3 (c) "Personal exploitation" means an act of forcing, compelling,
4 or exerting undue influence over a vulnerable adult causing the
5 vulnerable adult to act in a way that is inconsistent with relevant
6 past behavior, or causing the vulnerable adult to perform services
7 for the benefit of another.

8 (d) "Physical abuse" means the intentional, willful, or reckless
9 action of inflicting bodily injury or physical mistreatment.
10 "Physical abuse" includes, but is not limited to, striking with or
11 without an object, slapping, pinching, strangulation, suffocation,
12 kicking, shoving, or prodding.

13 (e) "Sexual abuse" means any form of nonconsensual sexual conduct
14 including, but not limited to, unwanted or inappropriate touching,
15 rape, molestation, indecent liberties, sexual coercion, sexually
16 explicit photographing or recording, voyeurism, indecent exposure,
17 and sexual harassment. "Sexual abuse" also includes any sexual
18 conduct between a staff person, who is not also a resident or client,
19 of a facility or a staff person of a program authorized under chapter
20 71A.12 RCW, and a vulnerable adult living in that facility or
21 receiving service from a program authorized under chapter 71A.12 RCW,
22 whether or not the sexual conduct is consensual.

23 (3) "Chemical restraint" means the administration of any drug to
24 manage a vulnerable adult's behavior in a way that reduces the safety
25 risk to the vulnerable adult or others, has the temporary effect of
26 restricting the vulnerable adult's freedom of movement, and is not
27 standard treatment for the vulnerable adult's medical or psychiatric
28 condition.

29 (4)(a) "Coercive control" means a pattern of behavior that is
30 used to cause another to suffer physical, emotional, or psychological
31 harm, and in purpose or effect unreasonably interferes with a
32 person's free will and personal liberty. In determining whether the
33 interference is unreasonable, the court shall consider the context
34 and impact of the pattern of behavior from the perspective of a
35 similarly situated person. Examples of coercive control include, but
36 are not limited to, engaging in any of the following:

37 (i) Intimidation or controlling or compelling conduct by:

38 (A) Damaging, destroying, or threatening to damage or destroy, or
39 forcing the other party to relinquish, goods, property, or items of
40 special value;

1 (B) Using technology to threaten, humiliate, harass, stalk,
2 intimidate, exert undue influence over, or abuse the other party,
3 including by engaging in cyberstalking, monitoring, surveillance,
4 impersonation, manipulation of electronic media, or distribution of
5 or threats to distribute actual or fabricated intimate images;

6 (C) Carrying, exhibiting, displaying, drawing, or threatening to
7 use, any firearm or any other weapon apparently capable of producing
8 bodily harm, in a manner, under circumstances, and at a time and
9 place that either manifests an intent to intimidate the other party
10 or that warrants alarm by the other party for their safety or the
11 safety of other persons;

12 (D) Driving recklessly with the other party or minor children in
13 the vehicle;

14 (E) Communicating, directly or indirectly, the intent to:

15 (I) Harm the other party's children, family members, friends, or
16 pets, including by use of physical forms of violence;

17 (II) Harm the other party's career;

18 (III) Attempt suicide or other acts of self-harm; or

19 (IV) Contact local or federal agencies based on actual or
20 suspected immigration status;

21 (F) Exerting control over the other party's identity documents;

22 (G) Making, or threatening to make, private information public,
23 including the other party's sexual orientation or gender identity,
24 medical or behavioral health information, or other confidential
25 information that jeopardizes safety; or

26 (H) Engaging in sexual or reproductive coercion;

27 (ii) Causing dependence, confinement, or isolation of the other
28 party from friends, relatives, or other sources of support, including
29 schooling and employment, or subjecting the other party to physical
30 confinement or restraint;

31 (iii) Depriving the other party of basic necessities or
32 committing other forms of financial exploitation;

33 (iv) Controlling, exerting undue influence over, interfering
34 with, regulating, or monitoring the other party's movements,
35 communications, daily behavior, finances, economic resources, or
36 employment, including but not limited to interference with or
37 attempting to limit access to services for children of the other
38 party, such as health care, medication, child care, or school-based
39 extracurricular activities;

1 (v) Engaging in vexatious litigation or abusive litigation as
2 defined in RCW 26.51.020 against the other party to harass, coerce,
3 or control the other party, to diminish or exhaust the other party's
4 financial resources, or to compromise the other party's employment or
5 housing; or

6 (vi) Engaging in psychological aggression, including inflicting
7 fear, humiliating, degrading, or punishing the other party.

8 (b) "Coercive control" does not include protective actions taken
9 by a party in good faith for the legitimate and lawful purpose of
10 protecting themselves or children from the risk of harm posed by the
11 other party.

12 (5) "Commercial sexual exploitation" means commercial sexual
13 abuse of a minor and sex trafficking.

14 (6) "Consent" in the context of sexual acts means that at the
15 time of sexual contact, there are actual words or conduct indicating
16 freely given agreement to that sexual contact. Consent must be
17 ongoing and may be revoked at any time. Conduct short of voluntary
18 agreement does not constitute consent as a matter of law. Consent
19 cannot be freely given when a person does not have capacity due to
20 disability, intoxication, or age. Consent cannot be freely given when
21 the other party has authority or control over the care or custody of
22 a person incarcerated or detained.

23 ((+6)) (7)(a) "Course of conduct" means a pattern of conduct
24 composed of a series of acts over a period of time, however short,
25 evidencing a continuity of purpose. "Course of conduct" includes any
26 form of communication, contact, or conduct, including the sending of
27 an electronic communication, but does not include constitutionally
28 protected free speech. Constitutionally protected activity is not
29 included within the meaning of "course of conduct."

30 (b) In determining whether the course of conduct serves any
31 legitimate or lawful purpose, a court should consider whether:

32 (i) Any current contact between the parties was initiated by the
33 respondent only or was initiated by both parties;

34 (ii) The respondent has been given clear notice that all further
35 contact with the petitioner is unwanted;

36 (iii) The respondent's course of conduct appears designed to
37 alarm, annoy, or harass the petitioner;

38 (iv) The respondent is acting pursuant to any statutory authority
39 including, but not limited to, acts which are reasonably necessary
40 to:

1 (A) Protect property or liberty interests;

2 (B) Enforce the law; or

3 (C) Meet specific statutory duties or requirements;

4 (v) The respondent's course of conduct has the purpose or effect
5 of unreasonably interfering with the petitioner's privacy or the
6 purpose or effect of creating an intimidating, hostile, or offensive
7 living environment for the petitioner; or

8 (vi) Contact by the respondent with the petitioner or the
9 petitioner's family has been limited in any manner by any previous
10 court order.

11 (~~(7)~~) (8) "Court clerk" means court administrators in courts of
12 limited jurisdiction and elected court clerks.

13 (~~(8)~~) (9) "Dating relationship" means a social relationship of
14 a romantic nature. Factors that the court may consider in making this
15 determination include: (a) The length of time the relationship has
16 existed; (b) the nature of the relationship; and (c) the frequency of
17 interaction between the parties.

18 (~~(9)~~) (10) "Domestic violence" means:

19 (a) Physical harm, bodily injury, assault, or the infliction of
20 fear of physical harm, bodily injury, or assault; nonconsensual
21 sexual conduct or nonconsensual sexual penetration; coercive control;
22 unlawful harassment; or stalking of one intimate partner by another
23 intimate partner; or

24 (b) Physical harm, bodily injury, assault, or the infliction of
25 fear of physical harm, bodily injury, or assault; nonconsensual
26 sexual conduct or nonconsensual sexual penetration; coercive control;
27 unlawful harassment; or stalking of one family or household member by
28 another family or household member.

29 (~~(10)~~) (11) "Electronic monitoring" has the same meaning as in
30 RCW 9.94A.030.

31 (~~(11)~~) (12) "Essential personal effects" means those items
32 necessary for a person's immediate health, welfare, and livelihood.
33 "Essential personal effects" includes, but is not limited to,
34 clothing, cribs, bedding, medications, personal hygiene items,
35 cellular phones and other electronic devices, and documents,
36 including immigration, health care, financial, travel, and identity
37 documents.

38 (~~(12)~~) (13) "Facility" means a residence licensed or required
39 to be licensed under chapter 18.20 RCW, assisted living facilities;
40 chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family

1 homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW,
2 residential habilitation centers; or any other facility licensed or
3 certified by the department of social and health services.

4 ~~((13))~~ (14) "Family or household members" means: (a) Persons
5 related by blood, marriage, domestic partnership, or adoption; (b)
6 persons who currently or formerly resided together; (c) persons who
7 have a biological or legal parent-child relationship, including
8 stepparents and stepchildren and grandparents and grandchildren, or a
9 parent's intimate partner and children; and (d) a person who is
10 acting or has acted as a legal guardian.

11 ~~((14))~~ (15) "Financial exploitation" means the illegal or
12 improper use of, control over, or withholding of, the property,
13 income, resources, or trust funds of the vulnerable adult by any
14 person or entity for any person's or entity's profit or advantage
15 other than for the vulnerable adult's profit or advantage. "Financial
16 exploitation" includes, but is not limited to:

17 (a) The use of deception, intimidation, or undue influence by a
18 person or entity in a position of trust and confidence with a
19 vulnerable adult to obtain or use the property, income, resources,
20 government benefits, health insurance benefits, or trust funds of the
21 vulnerable adult for the benefit of a person or entity other than the
22 vulnerable adult;

23 (b) The breach of a fiduciary duty, including, but not limited
24 to, the misuse of a power of attorney, trust, or a guardianship or
25 conservatorship appointment, that results in the unauthorized
26 appropriation, sale, or transfer of the property, income, resources,
27 or trust funds of the vulnerable adult for the benefit of a person or
28 entity other than the vulnerable adult; or

29 (c) Obtaining or using a vulnerable adult's property, income,
30 resources, or trust funds without lawful authority, by a person or
31 entity who knows or clearly should know that the vulnerable adult
32 lacks the capacity to consent to the release or use of the vulnerable
33 adult's property, income, resources, or trust funds.

34 ~~((15))~~ (16) "Firearm" means a weapon or device from which a
35 projectile or projectiles may be fired by an explosive such as
36 gunpowder. "Firearm" does not include a flare gun or other
37 pyrotechnic visual distress signaling device, or a powder-actuated
38 tool or other device designed solely to be used for construction
39 purposes. "Firearm" also includes parts that can be assembled to make
40 a firearm.

1 (~~(16)~~) (17) "Full hearing" means a hearing where the court
2 determines whether to issue a full protection order.

3 (~~(17)~~) (18) "Full protection order" means a protection order
4 that is issued by the court after notice to the respondent and where
5 the parties had the opportunity for a full hearing by the court.
6 "Full protection order" includes a protection order entered by the
7 court by agreement of the parties to resolve the petition for a
8 protection order without a full hearing.

9 (~~(18)~~) (19) "Hospital" means a facility licensed under chapter
10 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW
11 and any employee, agent, officer, director, or independent contractor
12 thereof.

13 (~~(19)~~) (20) "Interested person" means a person who demonstrates
14 to the court's satisfaction that the person is interested in the
15 welfare of a vulnerable adult, that the person has a good faith
16 belief that the court's intervention is necessary, and that the
17 vulnerable adult is unable, due to incapacity, undue influence, or
18 duress at the time the petition is filed, to protect his or her own
19 interests.

20 (~~(20)~~) (21) "Intimate partner" means: (a) Spouses or domestic
21 partners; (b) former spouses or former domestic partners; (c) persons
22 who have a child in common regardless of whether they have been
23 married or have lived together at any time, unless the child is
24 conceived through sexual assault; or (d) persons who have or have had
25 a dating relationship where both persons are at least 13 years of age
26 or older.

27 (~~(21)~~) (22)(a) "Isolate" or "isolation" means to restrict a
28 person's ability to communicate, visit, interact, or otherwise
29 associate with persons of his or her choosing. Isolation may be
30 evidenced by acts including, but not limited to:

31 (i) Acts that prevent a person from sending, making, or receiving
32 his or her personal mail, electronic communications, or telephone
33 calls; or

34 (ii) Acts that prevent or obstruct a person from meeting with
35 others, such as telling a prospective visitor or caller that the
36 person is not present or does not wish contact, where the statement
37 is contrary to the express wishes of the person.

38 (b) The term "isolate" or "isolation" may not be construed in a
39 manner that prevents a guardian or limited guardian from performing
40 his or her fiduciary obligations under chapter 11.92 RCW or prevents

1 a hospital or facility from providing treatment consistent with the
2 standard of care for delivery of health services.

3 ~~((22))~~ (23) "Judicial day" means days of the week other than
4 Saturdays, Sundays, or legal holidays.

5 ~~((23))~~ (24) "Mechanical restraint" means any device attached or
6 adjacent to a vulnerable adult's body that the vulnerable adult
7 cannot easily remove that restricts freedom of movement or normal
8 access to the vulnerable adult's body. "Mechanical restraint" does
9 not include the use of devices, materials, or equipment that are (a)
10 medically authorized, as required, and (b) used in a manner that is
11 consistent with federal or state licensing or certification
12 requirements for facilities, hospitals, or programs authorized under
13 chapter 71A.12 RCW.

14 ~~((24))~~ (25) "Minor" means a person who is under 18 years of
15 age.

16 ~~((25))~~ (26) "Neglect" means: (a) A pattern of conduct or
17 inaction by a person or entity with a duty of care that fails to
18 provide the goods and services that maintain the physical or mental
19 health of a vulnerable adult, or that fails to avoid or prevent
20 physical or mental harm or pain to a vulnerable adult; or (b) an act
21 or omission by a person or entity with a duty of care that
22 demonstrates a serious disregard of consequences of such a magnitude
23 as to constitute a clear and present danger to the vulnerable adult's
24 health, welfare, or safety including, but not limited to, conduct
25 prohibited under RCW 9A.42.100.

26 ~~((26))~~ (27) "Nonconsensual" means a lack of freely given
27 consent.

28 ~~((27))~~ (28) "Nonphysical contact" includes, but is not limited
29 to, written notes, mail, telephone calls, email, text messages,
30 contact through social media applications, contact through other
31 technologies, or contact through third parties.

32 ~~((28))~~ (29) "Petitioner" means any named petitioner or any
33 other person identified in the petition on whose behalf the petition
34 is brought.

35 ~~((29))~~ (30) "Physical restraint" means the application of
36 physical force without the use of any device, for the purpose of
37 restraining the free movement of a vulnerable adult's body. "Physical
38 restraint" does not include (a) briefly holding, without undue force,
39 a vulnerable adult in order to calm or comfort him or her, or (b)

1 holding a vulnerable adult's hand to safely escort him or her from
2 one area to another.

3 ~~((30))~~ (31) "Possession" means having an item in one's custody
4 or control. Possession may be either actual or constructive. Actual
5 possession occurs when the item is in the actual physical custody of
6 the person charged with possession. Constructive possession occurs
7 when there is no actual physical possession, but there is dominion
8 and control over the item.

9 ~~((31))~~ (32) "Respondent" means the person who is identified as
10 the respondent in a petition filed under this chapter.

11 ~~((32))~~ (33) "Sexual conduct" means any of the following:

12 (a) Any intentional or knowing touching or fondling of the
13 genitals, anus, or breasts, directly or indirectly, including through
14 clothing;

15 (b) Any intentional or knowing display of the genitals, anus, or
16 breasts for the purposes of arousal or sexual gratification of the
17 respondent;

18 (c) Any intentional or knowing touching or fondling of the
19 genitals, anus, or breasts, directly or indirectly, including through
20 clothing, that the petitioner is forced to perform by another person
21 or the respondent;

22 (d) Any forced display of the petitioner's genitals, anus, or
23 breasts for the purposes of arousal or sexual gratification of the
24 respondent or others;

25 (e) Any intentional or knowing touching of the clothed or
26 unclothed body of a child under the age of 16, if done for the
27 purpose of sexual gratification or arousal of the respondent or
28 others; or

29 (f) Any coerced or forced touching or fondling by a child under
30 the age of 16, directly or indirectly, including through clothing, of
31 the genitals, anus, or breasts of the respondent or others.

32 ~~((33))~~ (34) "Sexual penetration" means any contact, however
33 slight, between the sex organ or anus of one person by an object, the
34 sex organ, mouth, or anus of another person, or any intrusion,
35 however slight, of any part of the body of one person or of any
36 animal or object into the sex organ or anus of another person
37 including, but not limited to, cunnilingus, fellatio, or anal
38 penetration. Evidence of emission of semen is not required to prove
39 sexual penetration.

40 ~~((34))~~ (35) "Stalking" means any of the following:

1 (a) Any act of stalking as defined under RCW 9A.46.110;

2 (b) Any act of cyber harassment as defined under RCW 9A.90.120;

3 or

4 (c) Any course of conduct involving repeated or continuing
5 contacts, attempts to contact, monitoring, tracking, surveillance,
6 keeping under observation, disrupting activities in a harassing
7 manner, or following of another person that:

8 (i) Would cause a reasonable person to feel intimidated,
9 frightened, under duress, significantly disrupted, or threatened and
10 that actually causes such a feeling;

11 (ii) Serves no lawful purpose; and

12 (iii) The respondent knows, or reasonably should know, threatens,
13 frightens, or intimidates the person, even if the respondent did not
14 intend to intimidate, frighten, or threaten the person.

15 ~~((35))~~ (36) "Temporary protection order" means a protection
16 order that is issued before the court has decided whether to issue a
17 full protection order. "Temporary protection order" includes ex parte
18 temporary protection orders, as well as temporary protection orders
19 that are reissued by the court pending the completion of a full
20 hearing to decide whether to issue a full protection order. An "ex
21 parte temporary protection order" means a temporary protection order
22 that is issued without prior notice to the respondent.

23 ~~((36))~~ (37) "Unlawful harassment" means:

24 (a) A knowing and willful course of conduct directed at a
25 specific person that seriously alarms, annoys, harasses, or is
26 detrimental to such person, and that serves no legitimate or lawful
27 purpose. The course of conduct must be such as would cause a
28 reasonable person to suffer substantial emotional distress, and must
29 actually cause substantial emotional distress to the petitioner; or

30 (b) A single act of violence or threat of violence directed at a
31 specific person that seriously alarms, annoys, harasses, or is
32 detrimental to such person, and that serves no legitimate or lawful
33 purpose, which would cause a reasonable person to suffer substantial
34 emotional distress, and must actually cause substantial emotional
35 distress to the petitioner. A single threat of violence must include:

36 (i) A malicious and intentional threat as described in RCW
37 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

38 ~~((37))~~ (38) "Vulnerable adult" includes a person:

39 (a) Sixty years of age or older who has the functional, mental,
40 or physical inability to care for himself or herself; or

1 (b) Subject to a guardianship under RCW 11.130.265 or adult
2 subject to conservatorship under RCW 11.130.360; or

3 (c) Who has a developmental disability as defined under RCW
4 71A.10.020; or

5 (d) Admitted to any facility; or

6 (e) Receiving services from home health, hospice, or home care
7 agencies licensed or required to be licensed under chapter 70.127
8 RCW; or

9 (f) Receiving services from a person under contract with the
10 department of social and health services to provide services in the
11 home under chapter 74.09 or 74.39A RCW; or

12 (g) Who self-directs his or her own care and receives services
13 from a personal aide under chapter 74.39 RCW.

14 **Sec. 10.** RCW 7.105.100 and 2022 c 268 s 5 are each amended to
15 read as follows:

16 (1) There exists an action known as a petition for a protection
17 order. The following types of petitions for a protection order may be
18 filed:

19 (a) A petition for a domestic violence protection order, which
20 must allege the existence of domestic violence committed against the
21 petitioner or petitioners by an intimate partner or a family or
22 household member. The petitioner may petition for relief on behalf of
23 himself or herself and on behalf of family or household members who
24 are minors or vulnerable adults. A petition for a domestic violence
25 protection order must specify whether the petitioner and the
26 respondent are intimate partners or family or household members. A
27 petitioner who has been sexually assaulted or stalked by an intimate
28 partner or a family or household member should, but is not required
29 to, seek a domestic violence protection order, rather than a sexual
30 assault protection order or a stalking protection order.

31 (b) A petition for a sexual assault protection order, which must
32 allege the existence of nonconsensual sexual conduct ~~((~~or~~))~~,
33 nonconsensual sexual penetration, or commercial sexual exploitation
34 that was committed against the petitioner by the respondent. A
35 petitioner who has been sexually assaulted by an intimate partner or
36 a family or household member should, but is not required to, seek a
37 domestic violence protection order, rather than a sexual assault
38 protection order. A single incident of nonconsensual sexual conduct
39 or nonconsensual sexual penetration is sufficient grounds for a

1 petition for a sexual assault protection order. The petitioner may
2 petition for a sexual assault protection order on behalf of:

3 (i) Himself or herself;

4 (ii) A minor child, where the petitioner is the parent, legal
5 guardian, or custodian;

6 (iii) A vulnerable adult, where the petitioner is an interested
7 person; or

8 (iv) Any other adult for whom the petitioner demonstrates to the
9 court's satisfaction that the petitioner is interested in the adult's
10 well-being, the court's intervention is necessary, and the adult
11 cannot file the petition because of age, disability, health, or
12 inaccessibility.

13 (c) A petition for a stalking protection order, which must allege
14 the existence of stalking committed against the petitioner or
15 petitioners by the respondent. A petitioner who has been stalked by
16 an intimate partner or a family or household member should, but is
17 not required to, seek a domestic violence protection order, rather
18 than a stalking protection order. The petitioner may petition for a
19 stalking protection order on behalf of:

20 (i) Himself or herself;

21 (ii) A minor child, where the petitioner is the parent, legal
22 guardian, or custodian;

23 (iii) A vulnerable adult, where the petitioner is an interested
24 person; or

25 (iv) Any other adult for whom the petitioner demonstrates to the
26 court's satisfaction that the petitioner is interested in the adult's
27 well-being, the court's intervention is necessary, and the adult
28 cannot file the petition because of age, disability, health, or
29 inaccessibility.

30 (d) A petition for a vulnerable adult protection order, which
31 must allege that the petitioner, or person on whose behalf the
32 petition is brought, is a vulnerable adult and that the petitioner,
33 or person on whose behalf the petition is brought, has been
34 abandoned, abused, financially exploited, or neglected, or is
35 threatened with abandonment, abuse, financial exploitation, or
36 neglect, by the respondent.

37 (e) A petition for an extreme risk protection order, which must
38 allege that the respondent poses a significant danger of causing
39 personal injury to self or others by having in the respondent's
40 custody or control, purchasing, possessing, accessing, receiving, or

1 attempting to purchase or receive, a firearm. The petition must also
2 identify information the petitioner is able to provide about the
3 firearms, such as the number, types, and locations of any firearms
4 the petitioner believes to be in the respondent's current ownership,
5 possession, custody, access, or control. A petition for an extreme
6 risk protection order may be filed by (i) an intimate partner or a
7 family or household member of the respondent; or (ii) a law
8 enforcement agency.

9 (f) A petition for an antiharassment protection order, which must
10 allege the existence of unlawful harassment committed against the
11 petitioner or petitioners by the respondent. If a petitioner is
12 seeking relief based on domestic violence, nonconsensual sexual
13 conduct, nonconsensual sexual penetration, or stalking, the
14 petitioner may, but is not required to, seek a domestic violence,
15 sexual assault, or stalking protection order, rather than an
16 antiharassment order. The petitioner may petition for an
17 antiharassment protection order on behalf of:

18 (i) Himself or herself;

19 (ii) A minor child, where the petitioner is the parent, legal
20 guardian, or custodian;

21 (iii) A vulnerable adult, where the petitioner is an interested
22 person; or

23 (iv) Any other adult for whom the petitioner demonstrates to the
24 court's satisfaction that the petitioner is interested in the adult's
25 well-being, the court's intervention is necessary, and the adult
26 cannot file the petition because of age, disability, health, or
27 inaccessibility.

28 (2) With the exception of vulnerable adult protection orders, a
29 person under 18 years of age who is 15 years of age or older may seek
30 relief under this chapter as a petitioner and is not required to seek
31 relief through a petition filed on his or her behalf. He or she may
32 also petition on behalf of a family or household member who is a
33 minor if chosen by the minor and capable of pursuing the minor's
34 stated interest in the action.

35 (3) A person under 15 years of age who is seeking relief under
36 this chapter is required to seek relief by a person authorized as a
37 petitioner under this section.

38 (4) If a petition for a protection order is filed by an
39 interested person, the affidavit or declaration must also include a
40 statement of why the petitioner qualifies as an interested person.

1 (5) A petition for any type of protection order must not be
2 dismissed or denied on the basis that the conduct alleged by the
3 petitioner would meet the criteria for the issuance of another type
4 of protection order. If a petition meets the criteria for a different
5 type of protection order other than the one sought by the petitioner,
6 the court shall consider the petitioner's preference, and enter a
7 temporary protection order or set the matter for a hearing as
8 appropriate under the law. The court's decision on the appropriate
9 type of order shall not be premised on alleviating any potential
10 stigma on the respondent.

11 (6) The protection order petition must contain a section where
12 the petitioner, regardless of petition type, may request specific
13 relief provided for in RCW 7.105.310 that the petitioner seeks for
14 himself or herself or for family or household members who are minors.
15 The totality of selected relief, and any other relief the court deems
16 appropriate for the petitioner, or family or household members who
17 are minors, must be considered at the time of entry of temporary
18 protection orders and at the time of entry of full protection orders.

19 (7) If a court reviewing the petition for a protection order or a
20 request for a temporary protection order determines that the petition
21 was not filed in the correct court, the court shall enter findings
22 establishing the correct court, and direct the clerk to transfer the
23 petition to the correct court and to provide notice of the transfer
24 to all parties who have appeared.

25 (8) Upon filing a petition for a protection order, the petitioner
26 may request that the court enter an ex parte temporary protection
27 order and an order to surrender and prohibit weapons without notice
28 until a hearing on a full protection order may be held. When
29 requested, there shall be a rebuttable presumption to include the
30 petitioner's minor children as protected parties in the ex parte
31 temporary domestic violence protection order until the full hearing
32 to reduce the risk of harm to children during periods of heightened
33 risk, unless there is good cause not to include the minor children.
34 If the court denies the petitioner's request to include the minor
35 children, the court shall make written findings why the children
36 should not be included, pending the full hearing. An ex parte
37 temporary protection order shall be effective for a fixed period of
38 time and shall be issued initially for a period not to exceed 14
39 days, which may be extended for good cause.

1 **Sec. 11.** RCW 7.105.110 and 2021 c 215 s 15 are each amended to
2 read as follows:

3 The following apply only to the specific type of protection
4 orders referenced in each subsection.

5 (1) The department of social and health services, in its
6 discretion, may file a petition for a vulnerable adult protection
7 order or a domestic violence protection order on behalf of, and with
8 the consent of, any vulnerable adult. When the department has reason
9 to believe a vulnerable adult lacks the ability or capacity to
10 consent, the department, in its discretion, may seek relief on behalf
11 of the vulnerable adult. Neither the department nor the state of
12 Washington is liable for seeking or failing to seek relief on behalf
13 of any persons under this section. The vulnerable adult shall not be
14 held responsible for any violations of the order by the respondent.

15 (2) (a) If the petitioner for an extreme risk protection order is
16 a law enforcement agency, the petitioner shall make a good faith
17 effort to provide notice to an intimate partner or family or
18 household member of the respondent and to any known third party who
19 may be at risk of violence. The notice must state that the petitioner
20 intends to petition the court for an extreme risk protection order or
21 has already done so, and include referrals to appropriate resources,
22 including behavioral health, domestic violence, and counseling
23 resources. The petitioner must attest in the petition to having
24 provided such notice, or attest to the steps that will be taken to
25 provide such notice.

26 (b) Recognizing that an extreme risk protection order may need to
27 be issued outside of normal business hours, courts shall allow law
28 enforcement petitioners to petition after hours for a temporary
29 extreme risk protection order using an on-call, after-hours judge, as
30 is done for approval of after-hours search warrants.

31 (3) The department of children, youth, and families, when it has
32 reason to believe that a minor lacks the ability or capacity to
33 consent may file a petition for a sexual assault protection order on
34 behalf of the minor. Neither the department nor the state of
35 Washington is liable for seeking or failing to seek relief on behalf
36 of any persons under this section. The minor shall not be held
37 responsible for any violations of the order by the respondent.

38 (4) A law enforcement agency, when it has reason to believe that
39 a minor lacks the ability or capacity to consent may file a petition
40 for an ex parte temporary sexual assault protection order on behalf

1 of the minor. Neither the law enforcement agency nor the state of
2 Washington is liable for seeking or failing to seek relief on behalf
3 of any persons under this section. The minor shall not be held
4 responsible for any violations of the order by the respondent.

5 **Sec. 12.** RCW 7.105.225 and 2021 c 215 s 29 are each amended to
6 read as follows:

7 (1) The court shall issue a protection order if it finds by a
8 preponderance of the evidence that the petitioner has proved the
9 required criteria specified in (a) through (f) of this subsection for
10 obtaining a protection order under this chapter.

11 (a) For a domestic violence protection order, that the petitioner
12 has been subjected to domestic violence by the respondent.

13 (b) For a sexual assault protection order, that the petitioner
14 has been subjected to nonconsensual sexual conduct ~~((or))~~,
15 nonconsensual sexual penetration, or commercial sexual exploitation
16 by the respondent.

17 (c) For a stalking protection order, that the petitioner has been
18 subjected to stalking by the respondent.

19 (d) For a vulnerable adult protection order, that the petitioner
20 has been abandoned, abused, financially exploited, or neglected, or
21 is threatened with abandonment, abuse, financial exploitation, or
22 neglect by the respondent.

23 (e) For an extreme risk protection order, that the respondent
24 poses a significant danger of causing personal injury to self or
25 others by having in the respondent's custody or control, purchasing,
26 possessing, accessing, receiving, or attempting to purchase or
27 receive, a firearm.

28 (f) For an antiharassment protection order, that the petitioner
29 has been subjected to unlawful harassment by the respondent.

30 (2) The court may not deny or dismiss a petition for a protection
31 order on the grounds that:

32 (a) The petitioner or the respondent is a minor, unless
33 provisions in this chapter specifically limit relief or remedies
34 based upon a party's age;

35 (b) The petitioner did not report the conduct giving rise to the
36 petition to law enforcement;

37 (c) A no-contact order or a restraining order that restrains the
38 respondent's contact with the petitioner has been issued in a
39 criminal proceeding or in a domestic relations proceeding;

1 (d) The relief sought by the petitioner may be available in a
2 different action or proceeding, or criminal charges are pending
3 against the respondent;

4 (e) The conduct at issue did not occur recently or because of the
5 passage of time since the last incident of conduct giving rise to the
6 petition; or

7 (f) The respondent no longer lives near the petitioner.

8 (3) In proceedings where the petitioner alleges that the
9 respondent engaged in nonconsensual sexual conduct ~~((or))~~,
10 nonconsensual sexual penetration, or commercial sexual exploitation,
11 the court shall not require proof of physical injury on the person of
12 the petitioner or any other forensic evidence. Denial of a remedy to
13 the petitioner may not be based, in whole or in part, on evidence
14 that:

15 (a) The respondent was voluntarily intoxicated;

16 (b) The petitioner was voluntarily intoxicated; or

17 (c) The petitioner engaged in limited consensual sexual touching.

18 (4) In proceedings where the petitioner alleges that the
19 respondent engaged in stalking, the court may not require proof of
20 the respondent's intentions regarding the acts alleged by the
21 petitioner.

22 (5) In proceedings where the petitioner alleges that the
23 respondent engaged in commercial sexual exploitation, denial of a
24 remedy to the petitioner may not be based, in whole or in part, on
25 evidence that the petitioner consented to sexual conduct or sexual
26 penetration.

27 (6) If the court declines to issue a protection order, the court
28 shall state in writing the particular reasons for the court's denial.
29 If the court declines a request to include one or more of the
30 petitioner's family or household member who is a minor or a
31 vulnerable adult in the order, the court shall state the reasons for
32 that denial in writing. The court shall also explain from the bench:

33 (a) That the petitioner may refile a petition for a protection
34 order at any time if the petitioner has new evidence to present that
35 would support the issuance of a protection order;

36 (b) The parties' rights to seek revision, reconsideration, or
37 appeal of the order; and

38 (c) The parties' rights to have access to the court transcript or
39 recording of the hearing.

1 (~~(6)~~) (7) A court's ruling on a protection order must be filed
2 by the court in writing and must be made by the court on the
3 mandatory form developed by the administrative office of the courts.

4 **Sec. 13.** RCW 7.105.405 and 2021 c 215 s 54 are each amended to
5 read as follows:

6 The following provisions apply to the renewal of all full
7 protection orders issued under this chapter, with the exception of
8 the renewal of extreme risk protection orders.

9 (1) If the court grants a protection order for a fixed time
10 period, the petitioner may file a motion to renew the order at any
11 time within the 90 days before the order expires. The motion for
12 renewal must state the reasons the petitioner seeks to renew the
13 protection order. Upon receipt of a motion for renewal, the court
14 shall order a hearing, which must be not later than 14 days from the
15 date of the order. Service must be made on the respondent not less
16 than five judicial days before the hearing, as provided in RCW
17 7.105.150.

18 (2) If the motion for renewal is uncontested and the petitioner
19 seeks no modification of the order, the order may be renewed on the
20 basis of the petitioner's motion and statement of the reason for the
21 requested renewal.

22 (3) The petitioner bears no burden of proving that he or she has
23 a current reasonable fear of harm by the respondent.

24 (4) The court shall grant the motion for renewal unless the
25 respondent proves by a preponderance of the evidence that there has
26 been a substantial change in circumstances and the following:

27 (a) For a domestic violence protection order, that the respondent
28 proves that the respondent will not resume acts of domestic violence
29 against the petitioner or the petitioner's family or household
30 members who are minors or vulnerable adults when the order expires;

31 (b) For a sexual assault protection order, that the respondent
32 proves that the respondent will not engage in, or attempt to engage
33 in, physical or nonphysical contact, or acts of commercial sexual
34 exploitation, with the petitioner when the order expires;

35 (c) For a stalking protection order, that the respondent proves
36 that the respondent will not resume acts of stalking against the
37 petitioner or the petitioner's family or household members when the
38 order expires;

1 (d) For a vulnerable adult protection order, that the respondent
2 proves that the respondent will not resume acts of abandonment,
3 abuse, financial exploitation, or neglect against the vulnerable
4 adult when the order expires; or

5 (e) For an antiharassment protection order, that the respondent
6 proves that the respondent will not resume harassment of the
7 petitioner when the order expires.

8 (5) In determining whether there has been a substantial change in
9 circumstances, the court may consider the following unweighted
10 factors, and no inference is to be drawn from the order in which the
11 factors are listed:

12 (a) Whether the respondent has committed or threatened sexual
13 assault; commercial sexual exploitation; domestic violence; stalking;
14 abandonment, abuse, financial exploitation, or neglect of a
15 vulnerable adult; or other harmful acts against the petitioner or any
16 other person since the protection order was entered;

17 (b) Whether the respondent has violated the terms of the
18 protection order and the time that has passed since the entry of the
19 order;

20 (c) Whether the respondent has exhibited suicidal ideation or
21 attempts since the protection order was entered;

22 (d) Whether the respondent has been convicted of criminal
23 activity since the protection order was entered;

24 (e) Whether the respondent has either: Acknowledged
25 responsibility for acts of sexual assault, commercial sexual
26 exploitation, domestic violence, or stalking, or acts of abandonment,
27 abuse, financial exploitation, or neglect of a vulnerable adult, or
28 behavior that resulted in the entry of the protection order; or
29 successfully completed state-certified perpetrator treatment or
30 counseling since the protection order was entered;

31 (f) Whether the respondent has a continuing involvement with drug
32 or alcohol abuse, if such abuse was a factor in the protection order;
33 and

34 (g) Other factors relating to a substantial change in
35 circumstances.

36 (6) The court shall not deny a motion to renew a protection order
37 for any of the following reasons:

38 (a) The respondent has not violated the protection order
39 previously issued by the court;

40 (b) The petitioner or the respondent is a minor;

1 (c) The petitioner did not report the conduct giving rise to the
2 protection order, or subsequent violations of the protection order,
3 to law enforcement;

4 (d) A no-contact order or a restraining order that restrains the
5 respondent's contact with the petitioner has been issued in a
6 criminal proceeding or in a domestic relations proceeding;

7 (e) The relief sought by the petitioner may be available in a
8 different action or proceeding;

9 (f) The passage of time since the last incident of conduct giving
10 rise to the issuance of the protection order; or

11 (g) The respondent no longer lives near the petitioner.

12 (7) The terms of the original protection order must not be
13 changed on a motion for renewal unless the petitioner has requested
14 the change.

15 (8) The court may renew the protection order for another fixed
16 time period of no less than one year, or may enter a permanent order
17 as provided in this section.

18 (9) If the protection order includes the parties' children, a
19 renewed protection order may be issued for more than one year,
20 subject to subsequent orders entered in a proceeding under chapter
21 26.09, 26.26A, or 26.26B RCW.

22 (10) The court may award court costs, service fees, and
23 reasonable attorneys' fees to the petitioner as provided in RCW
24 7.105.310.

25 (11) If the court declines to renew the protection order, the
26 court shall state, in writing in the order, the particular reasons
27 for the court's denial. If the court declines to renew a protection
28 order that had restrained the respondent from having contact with
29 children protected by the order, the court shall determine on the
30 record whether the respondent and the children should undergo
31 reunification therapy. Any reunification therapy provider should be
32 made aware of the respondent's history of domestic violence and
33 should have training and experience in the dynamics of intimate
34 partner violence.

35 (12) In determining whether there has been a substantial change
36 in circumstances for respondents under the age of 18, or in
37 determining the appropriate duration for an order, the court shall
38 consider the circumstances surrounding the respondent's youth at the
39 time of the initial behavior alleged in the petition for a protection
40 order. The court shall consider developmental factors, including the

1 impact of time of a youth's development, and any information the
2 minor respondent presents about his or her personal progress or
3 change in circumstances.

4 **Sec. 14.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to
5 read as follows:

6 This section applies to modification or termination of domestic
7 violence protection orders, sexual assault protection orders,
8 stalking protection orders, and antiharassment protection orders.

9 (1) Upon a motion with notice to all parties and after a hearing,
10 the court may modify the terms of an existing protection order or
11 terminate an existing order.

12 (2) A respondent's motion to modify or terminate an existing
13 protection order must include a declaration setting forth facts
14 supporting the requested order for modification or termination. The
15 nonmoving parties to the proceeding may file opposing declarations.
16 All motions to modify or terminate shall be based on the written
17 materials and evidence submitted to the court. The court shall set a
18 hearing only if the court finds that adequate cause is established.
19 If the court finds that the respondent established adequate cause,
20 the court shall set a date for hearing the respondent's motion, which
21 must be at least 14 days from the date the court finds adequate
22 cause.

23 (3) Upon the motion of a respondent, the court may not modify or
24 terminate an existing protection order unless the respondent proves
25 by a preponderance of the evidence that there has been a substantial
26 change in circumstances such that the respondent will not resume,
27 engage in, or attempt to engage in, the following acts against the
28 petitioner or those persons protected by the protection order if the
29 order is terminated or modified:

30 (a) Acts of domestic violence, in cases involving domestic
31 violence protection orders;

32 (b) Physical or nonphysical contact, or acts of commercial sexual
33 exploitation, in cases involving sexual assault protection orders;

34 (c) Acts of stalking, in cases involving stalking protection
35 orders; or

36 (d) Acts of unlawful harassment, in cases involving
37 antiharassment protection orders.

38 The petitioner bears no burden of proving that he or she has a
39 current reasonable fear of harm by the respondent.

1 (4) In determining whether there has been a substantial change in
2 circumstances, the court may consider the following unweighted
3 factors, and no inference is to be drawn from the order in which the
4 factors are listed:

5 (a) Whether the respondent has committed or threatened sexual
6 assault, commercial sexual exploitation, domestic violence, stalking,
7 or other harmful acts against the petitioner or any other person
8 since the protection order was entered;

9 (b) Whether the respondent has violated the terms of the
10 protection order and the time that has passed since the entry of the
11 order;

12 (c) Whether the respondent has exhibited suicidal ideation or
13 attempts since the protection order was entered;

14 (d) Whether the respondent has been convicted of criminal
15 activity since the protection order was entered;

16 (e) Whether the respondent has either acknowledged responsibility
17 for acts of sexual assault, commercial sexual exploitation, domestic
18 violence, stalking, or behavior that resulted in the entry of the
19 protection order, or successfully completed state-certified
20 perpetrator treatment or counseling since the protection order was
21 entered;

22 (f) Whether the respondent has a continuing involvement with drug
23 or alcohol abuse, if such abuse was a factor in the protection order;

24 (g) Whether the petitioner consents to terminating the protection
25 order, provided that consent is given voluntarily and knowingly; or

26 (h) Other factors relating to a substantial change in
27 circumstances.

28 (5) In determining whether there has been a substantial change in
29 circumstances, the court may not base its determination on the fact
30 that time has passed without a violation of the order.

31 (6) Regardless of whether there is a substantial change in
32 circumstances, the court may decline to terminate a protection order
33 if it finds that the acts of domestic violence, sexual assault,
34 commercial sexual exploitation, stalking, unlawful harassment, and
35 other harmful acts that resulted in the issuance of the protection
36 order were of such severity that the order should not be terminated.

37 (7) A respondent may file a motion to modify or terminate an
38 order no more than once in every 12-month period that the order is in
39 effect, starting from the date of the order and continuing through
40 any renewal period.

1 (8) If a person who is protected by a protection order has a
2 child or adopts a child after a protection order has been issued, but
3 before the protection order has expired, the petitioner may seek to
4 include the new child in the order of protection on an ex parte basis
5 if the child is already in the physical custody of the petitioner. If
6 the restrained person is the legal or biological parent of the child,
7 a hearing must be set and notice given to the restrained person prior
8 to final modification of the full protection order.

9 (9) A court may require the respondent to pay the petitioner for
10 costs incurred in responding to a motion to modify or terminate a
11 protection order, including reasonable attorneys' fees.

12 **PART III - CRIME VICTIMS COMPENSATION**

13 **Sec. 15.** RCW 7.68.060 and 2020 c 308 s 1 are each amended to
14 read as follows:

15 (1) Except for applications received pursuant to subsection (6)
16 of this section, no compensation of any kind shall be available under
17 this chapter if:

18 (a) An application for benefits is not received by the department
19 within three years after the date the criminal act was reported to a
20 local police department or sheriff's office or the date the rights of
21 beneficiaries accrued, unless the director has determined that "good
22 cause" exists to expand the time permitted to receive the
23 application. "Good cause" shall be determined by the department on a
24 case-by-case basis and may extend the period of time in which an
25 application can be received for up to five years after the date the
26 criminal act was reported to a local police department or sheriff's
27 office or the date the rights of beneficiaries accrued; or

28 (b) The criminal act is not reported by the victim or someone on
29 his or her behalf to a local police department or sheriff's office
30 within twelve months of its occurrence or, if it could not reasonably
31 have been reported within that period, within twelve months of the
32 time when a report could reasonably have been made. In making
33 determinations as to reasonable time limits, the department shall
34 give greatest weight to the needs of the victims.

35 (2) No person or spouse, child, or dependent of such person is
36 eligible for benefits under this chapter when the injury for which
37 benefits are sought was:

1 (a) The result of consent, provocation, or incitement by the
2 victim, unless an injury resulting from a criminal act caused the
3 death of the victim;

4 (b) Sustained while the crime victim was engaged in the attempt
5 to commit, or the commission of, a felony; or

6 (c) Sustained while the victim was confined in any county or city
7 jail, federal jail or prison or in any other federal institution, or
8 any state correctional institution maintained and operated by the
9 department of social and health services or the department of
10 corrections, prior to release from lawful custody; or confined or
11 living in any other institution maintained and operated by the
12 department of social and health services or the department of
13 corrections.

14 (3) No person or spouse, child, or dependent of such person is
15 eligible for benefits under this chapter where the person making a
16 claim for such benefits has refused to give reasonable cooperation to
17 state or local law enforcement agencies in their efforts to apprehend
18 and convict the perpetrator of the criminal act which gave rise to
19 the claim.

20 (4) A victim is not eligible for benefits under this chapter if
21 the victim:

22 (a) Has been convicted of a felony offense within five years
23 preceding the criminal act for which the victim is applying where the
24 felony offense is a violent offense under RCW 9.94A.030 or a crime
25 against persons under RCW 9.94A.411, or is convicted of such a felony
26 offense after the criminal act for which the victim is applying; and

27 (b) Has not completely satisfied all legal financial obligations
28 owed.

29 (5) Because victims of childhood criminal acts may repress
30 conscious memory of such criminal acts far beyond the age of
31 eighteen, the rights of adult victims of childhood criminal acts
32 shall accrue at the time the victim discovers or reasonably should
33 have discovered the elements of the crime. In making determinations
34 as to reasonable time limits, the department shall give greatest
35 weight to the needs of the victim.

36 (6) (a) Benefits under this chapter are available to any victim of
37 a person against whom the state initiates proceedings under chapter
38 71.09 RCW. The right created under this subsection shall accrue when
39 the victim is notified of proceedings under chapter 71.09 RCW or the
40 victim is interviewed, deposed, or testifies as a witness in

1 connection with the proceedings. An application for benefits under
2 this subsection must be received by the department within two years
3 after the date the victim's right accrued unless the director
4 determines that good cause exists to expand the time to receive the
5 application. The director shall determine "good cause" on a case-by-
6 case basis and may extend the period of time in which an application
7 can be received for up to five years after the date the right of the
8 victim accrued. Benefits under this subsection shall be limited to
9 compensation for costs or losses incurred on or after the date the
10 victim's right accrues for a claim allowed under this subsection.

11 (b) A person identified as a minor victim of sex trafficking or
12 as the "minor" in the charge of commercial sexual abuse of a minor
13 under RCW 9.68A.100, promoting commercial sexual abuse of a minor
14 under RCW 9.68A.101, or promoting travel for commercial sexual abuse
15 of a minor under RCW 9.68A.102 is considered a victim of a criminal
16 act for the purpose of the right to benefits under this chapter even
17 if the person is also charged with prostitution under RCW 9A.88.030.
18 A person identified under this subsection (6)(b) may file an
19 application for benefits at any time, and the ineligibility factors
20 of subsections (1) and (2) of this section do not apply to such a
21 person.

22 **PART IV - STATUTE OF LIMITATIONS AND EVIDENTIARY PROCEDURES**

23 **Sec. 16.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are
24 each reenacted and amended to read as follows:

25 (1) Prosecutions for criminal offenses shall not be commenced
26 after the periods prescribed in this section.

27 (a) The following offenses may be prosecuted at any time after
28 their commission:

29 (i) Murder;

30 (ii) Homicide by abuse;

31 (iii) Arson if a death results;

32 (iv) Vehicular homicide;

33 (v) Vehicular assault if a death results;

34 (vi) Hit-and-run injury-accident if a death results (RCW
35 46.52.020(4));

36 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
37 under the age of sixteen;

1 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
2 under the age of sixteen;

3 (ix) Rape of a child in the first degree (RCW 9A.44.073);
4 (x) Rape of a child in the second degree (RCW 9A.44.076);
5 (xi) Rape of a child in the third degree (RCW 9A.44.079);
6 (xii) Sexual misconduct with a minor in the first degree (RCW
7 9A.44.093);
8 (xiii) Custodial sexual misconduct in the first degree (RCW
9 9A.44.160);
10 (xiv) Child molestation in the first degree (RCW 9A.44.083);
11 (xv) Child molestation in the second degree (RCW 9A.44.086);
12 (xvi) Child molestation in the third degree (RCW 9A.44.089);
13 ((and))
14 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);
15 (xviii) Trafficking (RCW 9A.40.100) if the victim is under the
16 age of 18;
17 (xix) Commercial sexual abuse of a minor (RCW 9.68A.100);
18 (xx) Promoting commercial sexual abuse of a minor (RCW
19 9.68A.101);
20 (xxi) Promoting travel for commercial sexual abuse of a minor
21 (RCW 9.68A.102); and
22 (xxii) Permitting commercial sexual abuse of a minor (RCW
23 9.68A.103).

24 (b) Except as provided in (a) of this subsection, the following
25 offenses may not be prosecuted more than (~~twenty~~) 20 years after
26 its commission:

27 (i) Rape in the first degree (RCW 9A.44.040);
28 (ii) Rape in the second degree (RCW 9A.44.050); or
29 (iii) Indecent liberties (RCW 9A.44.100).

30 (c) The following offenses may not be prosecuted more than ten
31 years after its commission:

32 (i) Any felony committed by a public officer if the commission is
33 in connection with the duties of his or her office or constitutes a
34 breach of his or her public duty or a violation of the oath of
35 office;

36 (ii) Arson if no death results;
37 (iii) Rape in the third degree (RCW 9A.44.060);
38 (iv) Attempted murder; or
39 (v) Trafficking under RCW 9A.40.100.

1 (d) A violation of (~~any~~) this offense listed in this subsection
2 (1)(d) may be prosecuted up to (~~ten~~) 10 years after its commission
3 or, if committed against a victim under the age of (~~eighteen~~) 18,
4 up to the victim's (~~thirtieth~~) 30th birthday, whichever is later:

5 (~~(i) RCW 9.68A.100 (commercial sexual abuse of a minor);~~

6 ~~(ii) RCW 9.68A.101 (promoting commercial sexual abuse of a~~
7 ~~minor);~~

8 ~~(iii) RCW 9.68A.102 (promoting travel for commercial sexual abuse~~
9 ~~of a minor); or~~

10 ~~(iv))~~ RCW 9A.64.020 (incest).

11 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
12 after its commission, or if committed against a victim under the age
13 of 18, up to the victim's 28th birthday, whichever is later.

14 (f) The following offenses may not be prosecuted more than six
15 years after its commission or discovery, whichever occurs later:

16 (i) Violations of RCW 9A.82.060 or 9A.82.080;

17 (ii) Any felony violation of chapter 9A.83 RCW;

18 (iii) Any felony violation of chapter 9.35 RCW;

19 (iv) Theft in the first or second degree under chapter 9A.56 RCW
20 when accomplished by color or aid of deception;

21 (v) Theft from a vulnerable adult under RCW 9A.56.400;

22 (vi) Trafficking in stolen property in the first or second degree
23 under chapter 9A.82 RCW in which the stolen property is a motor
24 vehicle or major component part of a motor vehicle as defined in RCW
25 46.80.010; or

26 (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

27 (g) The following offenses may not be prosecuted more than five
28 years after its commission: Any class C felony under chapter 74.09,
29 82.36, or 82.38 RCW.

30 (h) Bigamy may not be prosecuted more than three years after the
31 time specified in RCW 9A.64.010.

32 (i) A violation of RCW 9A.56.030 may not be prosecuted more than
33 three years after the discovery of the offense when the victim is a
34 tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

35 (j) No other felony may be prosecuted more than three years after
36 its commission; except that in a prosecution under RCW 9A.44.115, if
37 the person who was viewed, photographed, or filmed did not realize at
38 the time that he or she was being viewed, photographed, or filmed,
39 the prosecution must be commenced within two years of the time the

1 person who was viewed or in the photograph or film first learns that
2 he or she was viewed, photographed, or filmed.

3 (k) No gross misdemeanor, except as provided under (e) of this
4 subsection, may be prosecuted more than two years after its
5 commission.

6 (1) No misdemeanor may be prosecuted more than one year after its
7 commission.

8 (2) The periods of limitation prescribed in subsection (1) of
9 this section do not run during any time when the person charged is
10 not usually and publicly resident within this state.

11 (3) In any prosecution for a sex offense as defined in RCW
12 9.94A.030, the periods of limitation prescribed in subsection (1) of
13 this section run from the date of commission or four years from the
14 date on which the identity of the suspect is conclusively established
15 by deoxyribonucleic acid testing or by photograph as defined in RCW
16 9.68A.011, whichever is later.

17 (4) If, before the end of a period of limitation prescribed in
18 subsection (1) of this section, an indictment has been found or a
19 complaint or an information has been filed, and the indictment,
20 complaint, or information is set aside, then the period of limitation
21 is extended by a period equal to the length of time from the finding
22 or filing to the setting aside.

23 **Sec. 17.** RCW 9A.44.120 and 2019 c 90 s 1 are each amended to
24 read as follows:

25 (1) A statement not otherwise admissible by statute or court
26 rule, is admissible in evidence in dependency proceedings under Title
27 13 RCW and criminal proceedings, including juvenile offense
28 adjudications, in the courts of the state of Washington if:

29 (a)(i) It is made by a child when under the age of ten describing
30 any act of sexual contact performed with or on the child by another,
31 describing any attempted act of sexual contact with or on the child
32 by another, or describing any act of physical abuse of the child by
33 another that results in substantial bodily harm as defined by RCW
34 9A.04.110; or

35 (ii) It is made by a child when under the age of (~~sixteen~~) 18
36 describing any of the following acts or attempted acts performed with
37 or on the child: Trafficking under RCW 9A.40.100; commercial sexual
38 abuse of a minor under RCW 9.68A.100; promoting commercial sexual

1 abuse of a minor under RCW 9.68A.101; or promoting travel for
2 commercial sexual abuse of a minor under RCW 9.68A.102;

3 (b) The court finds, in a hearing conducted outside the presence
4 of the jury, that the time, content, and circumstances of the
5 statement provide sufficient indicia of reliability; and

6 (c) The child either:

7 (i) Testifies at the proceedings; or

8 (ii) Is unavailable as a witness, except that when the child is
9 unavailable as a witness, such statement may be admitted only if
10 there is corroborative evidence of the act.

11 (2) A statement may not be admitted under this section unless the
12 proponent of the statement makes known to the adverse party his or
13 her intention to offer the statement and the particulars of the
14 statement sufficiently in advance of the proceedings to provide the
15 adverse party with a fair opportunity to prepare to meet the
16 statement.

17 **Sec. 18.** RCW 9A.44.150 and 2013 c 302 s 9 are each amended to
18 read as follows:

19 (1) On motion of the prosecuting attorney in a criminal
20 proceeding, the court may order that a child under the age of
21 (~~fourteen~~) 18 may testify in a room outside the presence of the
22 defendant and the jury while one-way closed-circuit television
23 equipment simultaneously projects the child's testimony into another
24 room so the defendant and the jury can watch and hear the child
25 testify if:

26 (a) The testimony will:

27 (i) Describe an act or attempted act of sexual contact performed
28 with or on the child witness by another person or with or on a child
29 other than the child witness by another person;

30 (ii) Describe an act or attempted act of physical abuse against
31 the child witness by another person or against a child other than the
32 child witness by another person;

33 (iii) Describe a violation of RCW 9A.40.100 (trafficking) or any
34 offense identified in chapter 9.68A RCW (sexual exploitation of
35 children); or

36 (iv) Describe a violent offense as defined by RCW 9.94A.030
37 committed against a person known by or familiar to the child witness
38 or by a person known by or familiar to the child witness;

39 (b) The testimony is taken during the criminal proceeding;

1 (c) The court finds by substantial evidence, in a hearing
2 conducted outside the presence of the jury, that (~~requiring the~~
3 ~~child witness to testify in the presence of the defendant will cause~~
4 ~~the~~):

5 (i) The particular child involved would be traumatized;

6 (ii) The source of the trauma is not the courtroom generally, but
7 the presence of the defendant; and

8 (iii) The emotional or mental distress suffered by the child (~~to~~
9 suffer serious emotional or mental distress that will prevent)) would
10 be more than de minimis, such that the child (~~from~~) could not
11 reasonably (~~communicating~~) communicate at the trial. If the
12 defendant is excluded from the presence of the child, the jury must
13 also be excluded;

14 (d) As provided in (a) and (b) of this subsection, the court may
15 allow a child witness to testify in the presence of the defendant but
16 outside the presence of the jury, via closed-circuit television, if
17 the court finds, upon motion and hearing outside the presence of the
18 jury, that (~~the child will suffer serious emotional distress that~~
19 ~~will prevent the child from reasonably communicating at the trial in~~
20 ~~front of the jury, or, that although the child may be able to~~
21 ~~reasonably communicate at trial in front of the jury, the child will~~
22 ~~suffer serious emotional or mental distress from testifying)): (i)~~
23 The particular child involved would be traumatized; (ii) the source
24 of the trauma is not the courtroom generally, but the presence of the
25 jury; and (iii) the emotional or mental distress suffered by the
26 child would be more than de minimis, regardless of whether or not the
27 child could reasonably communicate at the trial in front of the jury.
28 If the child is able to communicate in front of the defendant but not
29 the jury the defendant will remain in the room with the child while
30 the jury is excluded from the room;

31 (e) The court finds that the prosecutor has made all reasonable
32 efforts to prepare the child witness for testifying, including
33 informing the child or the child's parent or guardian about community
34 counseling services, giving court tours, and explaining the trial
35 process. If the prosecutor fails to demonstrate that preparations
36 were implemented or the prosecutor in good faith attempted to
37 implement them, the court shall deny the motion;

38 (f) The court balances the strength of the state's case without
39 the testimony of the child witness against the defendant's

1 constitutional rights and the degree of infringement of the closed-
2 circuit television procedure on those rights;

3 (g) The court finds that no less restrictive method of obtaining
4 the testimony exists that can adequately protect the child witness
5 from ~~((the serious))~~ suffering emotional or mental distress that
6 would be more than de minimis;

7 (h) When the court allows the child witness to testify outside
8 the presence of the defendant, the defendant can communicate
9 constantly with the defense attorney by electronic transmission and
10 be granted reasonable court recesses during the child's testimony for
11 person-to-person consultation with the defense attorney;

12 (i) The court can communicate with the attorneys by an audio
13 system so that the court can rule on objections and otherwise control
14 the proceedings;

15 (j) All parties in the room with the child witness are on camera
16 and can be viewed by all other parties. If viewing all participants
17 is not possible, the court shall describe for the viewers the
18 location of the prosecutor, defense attorney, and other participants
19 in relation to the child;

20 (k) The court finds that the television equipment is capable of
21 making an accurate reproduction and the operator of the equipment is
22 competent to operate the equipment; and

23 (l) The court imposes reasonable guidelines upon the parties for
24 conducting the filming to avoid trauma to the child witness or abuse
25 of the procedure for tactical advantage.

26 The prosecutor, defense attorney, and a neutral and trained
27 victim's advocate, if any, shall always be in the room where the
28 child witness is testifying. The court in the court's discretion
29 depending on the circumstances and whether the jury or defendant or
30 both are excluded from the room where the child is testifying, may
31 remain or may not remain in the room with the child.

32 (2) During the hearing conducted under subsection (1) of this
33 section to determine whether the child witness may testify outside
34 the presence of the defendant and/or the jury, the court may conduct
35 the observation and examination of the child outside the presence of
36 the defendant if:

37 (a) The prosecutor alleges and the court concurs that the child
38 witness will be unable to testify in front of the defendant or ~~((will~~
39 ~~suffer severe emotional or mental distress if forced to testify in~~
40 ~~front of the defendant))~~ that (i) the particular child involved would

1 be traumatized; (ii) the source of the trauma is not the courtroom
2 generally, but the presence of the defendant; and (iii) the emotional
3 or mental distress suffered by the child would be more than de
4 minimis;

5 (b) The defendant can observe and hear the child witness by
6 closed-circuit television;

7 (c) The defendant can communicate constantly with the defense
8 attorney during the examination of the child witness by electronic
9 transmission and be granted reasonable court recesses during the
10 child's examination for person-to-person consultation with the
11 defense attorney; and

12 (d) The court finds the closed-circuit television is capable of
13 making an accurate reproduction and the operator of the equipment is
14 competent to operate the equipment. Whenever possible, all the
15 parties in the room with the child witness shall be on camera so that
16 the viewers can see all the parties. If viewing all participants is
17 not possible, then the court shall describe for the viewers the
18 location of the prosecutor, defense attorney, and other participants
19 in relation to the child.

20 (3) The court shall make particularized findings on the record
21 articulating the factors upon which the court based its decision to
22 allow the child witness to testify via closed-circuit television
23 pursuant to this section. The factors the court may consider include,
24 but are not limited to, a consideration of the child's age, physical
25 health, emotional stability, expressions by the child of fear of
26 testifying in open court or in front of the defendant, the
27 relationship of the defendant to the child, and the court's
28 observations of the child's inability to reasonably communicate in
29 front of the defendant or in open court. The court's findings shall
30 identify the impact the factors have upon the child's ability to
31 testify in front of the jury or the defendant or both and the
32 specific nature of the emotional or mental trauma the child would
33 suffer. The court shall determine whether the source of the trauma is
34 the presence of the defendant, the jury, or both, and shall limit the
35 use of the closed-circuit television accordingly.

36 (4) This section does not apply if the defendant is an attorney
37 pro se unless the defendant has a court-appointed attorney assisting
38 the defendant in the defense.

39 (5) This section may not preclude the presence of both the child
40 witness and the defendant in the courtroom together for purposes of

1 establishing or challenging the identification of the defendant when
2 identification is a legitimate issue in the proceeding.

3 (6) The Washington supreme court may adopt rules of procedure
4 regarding closed-circuit television procedures.

5 (7) All recorded tapes of testimony produced by closed-circuit
6 television equipment shall be subject to any protective order of the
7 court for the purpose of protecting the privacy of the child witness.

8 (8) Nothing in this section creates a right of the child witness
9 to a closed-circuit television procedure in lieu of testifying in
10 open court.

11 (9) The state shall bear the costs of the closed-circuit
12 television procedure.

13 (10) A child witness may or may not be a victim in the
14 proceeding.

15 (11) Nothing in this section precludes the court, under other
16 circumstances arising under subsection (1)(a) of this section, from
17 allowing a child to testify outside the presence of the defendant and
18 the jury so long as the testimony is presented in accordance with the
19 standards and procedures required in this section.

20 **Sec. 19.** RCW 9A.82.100 and 2012 c 139 s 2 are each amended to
21 read as follows:

22 (1)(a) A person who sustains injury to his or her person,
23 business, or property by an act of criminal profiteering that is part
24 of a pattern of criminal profiteering activity, or by an offense
25 defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103,
26 or 9A.88.070, or by a violation of RCW 9A.82.060 or 9A.82.080 may
27 file an action in superior court for the recovery of damages and the
28 costs of the suit, including reasonable investigative and attorney's
29 fees.

30 (b) The attorney general or county prosecuting attorney may file
31 an action: (i) On behalf of those persons injured or, respectively,
32 on behalf of the state or county if the entity has sustained damages,
33 or (ii) to prevent, restrain, or remedy a pattern of criminal
34 profiteering activity, or an offense defined in RCW 9A.40.100,
35 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or a
36 violation of RCW 9A.82.060 or 9A.82.080.

37 (c) An action for damages filed by or on behalf of an injured
38 person, the state, or the county shall be for the recovery of damages

1 and the costs of the suit, including reasonable investigative and
2 attorney's fees.

3 (d) In an action filed to prevent, restrain, or remedy a pattern
4 of criminal profiteering activity, or an offense defined in RCW
5 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070,
6 or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof
7 of the violation, may impose a civil penalty not exceeding two
8 hundred fifty thousand dollars, in addition to awarding the cost of
9 the suit, including reasonable investigative and attorney's fees.

10 (2) The superior court has jurisdiction to prevent, restrain, and
11 remedy a pattern of criminal profiteering, or an offense defined in
12 RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or
13 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080 after making
14 provision for the rights of all innocent persons affected by the
15 violation and after hearing or trial, as appropriate, by issuing
16 appropriate orders.

17 (3) Prior to a determination of liability, orders issued under
18 subsection (2) of this section may include, but are not limited to,
19 entering restraining orders or prohibitions or taking such other
20 actions, including the acceptance of satisfactory performance bonds,
21 in connection with any property or other interest subject to damages,
22 forfeiture, or other restraints pursuant to this section as the court
23 deems proper. The orders may also include attachment, receivership,
24 or injunctive relief in regard to personal or real property pursuant
25 to Title 7 RCW. In shaping the reach or scope of receivership,
26 attachment, or injunctive relief, the superior court shall provide
27 for the protection of bona fide interests in property, including
28 community property, of persons who were not involved in the violation
29 of this chapter, except to the extent that such interests or property
30 were acquired or used in such a way as to be subject to forfeiture
31 under RCW 9A.82.100(4)(f).

32 (4) Following a determination of liability, orders may include,
33 but are not limited to:

34 (a) Ordering any person to divest himself or herself of any
35 interest, direct or indirect, in any enterprise.

36 (b) Imposing reasonable restrictions on the future activities or
37 investments of any person, including prohibiting any person from
38 engaging in the same type of endeavor as the enterprise engaged in,
39 the activities of which affect the laws of this state, to the extent
40 the Constitutions of the United States and this state permit.

1 (c) Ordering dissolution or reorganization of any enterprise.

2 (d) Ordering the payment of actual damages sustained to those
3 persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an
4 offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102,
5 9.68A.103, or 9A.88.070, or an act of criminal profiteering that is
6 part of a pattern of criminal profiteering, and in the court's
7 discretion, increasing the payment to an amount not exceeding three
8 times the actual damages sustained.

9 (e) Ordering the payment of all costs and expenses of the
10 prosecution and investigation of a pattern of criminal profiteering,
11 or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101,
12 9.68A.102, 9.68A.103, or 9A.88.070, activity or a violation of RCW
13 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or
14 county, including any costs of defense provided at public expense, as
15 appropriate to the state general fund or the antiprofitteering
16 revolving fund of the county.

17 (f) Ordering forfeiture first as restitution to any person
18 damaged by an act of criminal profiteering that is part of a pattern
19 of criminal profiteering, or by an offense defined in RCW 9A.40.100,
20 then to the state general fund or antiprofitteering revolving fund of
21 the county, as appropriate, to the extent not already ordered to be
22 paid in other damages, of the following:

23 (i) Any property or other interest acquired or maintained in
24 violation of RCW 9A.82.060 or 9A.82.080 to the extent of the
25 investment of funds, and any appreciation or income attributable to
26 the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

27 (ii) Any property, contractual right, or claim against property
28 used to influence any enterprise that a person has established,
29 operated, controlled, conducted, or participated in the conduct of,
30 in violation of RCW 9A.82.060 or 9A.82.080.

31 (iii) All proceeds traceable to or derived from an offense
32 included in the pattern of criminal profiteering activity, or an
33 offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102,
34 9.68A.103, or 9A.88.070, and all moneys, negotiable instruments,
35 securities, and other things of value significantly used or intended
36 to be used significantly to facilitate commission of the offense.

37 (g) Ordering payment to the state general fund or
38 antiprofitteering revolving fund of the county, as appropriate, of an
39 amount equal to the gain a person has acquired or maintained through
40 an offense included in the definition of criminal profiteering.

1 (5) In addition to or in lieu of an action under this section,
2 the attorney general or county prosecuting attorney may file an
3 action for forfeiture to the state general fund or antiprofitereering
4 revolving fund of the county, as appropriate, to the extent not
5 already ordered paid pursuant to this section, of the following:

6 (a) Any interest acquired or maintained by a person in violation
7 of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of
8 funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any
9 appreciation or income attributable to the investment.

10 (b) Any property, contractual right, or claim against property
11 used to influence any enterprise that a person has established,
12 operated, controlled, conducted, or participated in the conduct of,
13 in violation of RCW 9A.82.060 or 9A.82.080.

14 (c) All proceeds traceable to or derived from an offense included
15 in the pattern of criminal profiteering activity, or an offense
16 defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103,
17 or 9A.88.070, and all moneys, negotiable instruments, securities, and
18 other things of value significantly used or intended to be used
19 significantly to facilitate the commission of the offense.

20 (6) A defendant convicted in any criminal proceeding is precluded
21 in any civil proceeding from denying the essential allegations of the
22 criminal offense proven in the criminal trial in which the defendant
23 was convicted. For the purposes of this subsection, a conviction
24 shall be deemed to have occurred upon a verdict, finding, or plea of
25 guilty, notwithstanding the fact that appellate review of the
26 conviction and sentence has been or may be sought. If a subsequent
27 reversal of the conviction occurs, any judgment that was based upon
28 that conviction may be reopened upon motion of the defendant.

29 (7) The initiation of civil proceedings under this section shall
30 be commenced within the later of the following periods:

31 (a) Within three years after discovery of the pattern of criminal
32 profiteering activity or after the pattern should reasonably have
33 been discovered; ~~or ((~~r~~-in))~~

34 (b) In the case of an offense that is defined in RCW 9A.40.100,
35 ~~((within))~~ 9.68A.100, 9.68A.101, 9.68A.102, and 9.68A.103:

36 (i) Within three years of the act alleged to have caused the
37 injury or condition;

38 (ii) Within three years of the time the victim discovered or
39 reasonably should have discovered that the injury or condition was
40 caused by said act;

1 (iii) Within three years of the time the victim discovered that
2 the act caused the injury for which the claim is brought; or

3 (iv) Within three years after the final disposition of any
4 criminal charges relating to the offense (~~(, whichever is later)~~).

5 (8) The attorney general or county prosecuting attorney may, in a
6 civil action brought pursuant to this section, file with the clerk of
7 the superior court a certificate stating that the case is of special
8 public importance. A copy of that certificate shall be furnished
9 immediately by the clerk to the presiding chief judge of the superior
10 court in which the action is pending and, upon receipt of the copy,
11 the judge shall immediately designate a judge to hear and determine
12 the action. The judge so designated shall promptly assign the action
13 for hearing, participate in the hearings and determination, and cause
14 the action to be expedited.

15 (9) The standard of proof in actions brought pursuant to this
16 section is the preponderance of the evidence test.

17 (10) A person other than the attorney general or county
18 prosecuting attorney who files an action under this section shall
19 serve notice and one copy of the pleading on the attorney general
20 within thirty days after the action is filed with the superior court.
21 The notice shall identify the action, the person, and the person's
22 attorney. Service of the notice does not limit or otherwise affect
23 the right of the state to maintain an action under this section or
24 intervene in a pending action nor does it authorize the person to
25 name the state or the attorney general as a party to the action.

26 (11) Except in cases filed by a county prosecuting attorney, the
27 attorney general may, upon timely application, intervene in any civil
28 action or proceeding brought under this section if the attorney
29 general certifies that in the attorney general's opinion the action
30 is of special public importance. Upon intervention, the attorney
31 general may assert any available claim and is entitled to the same
32 relief as if the attorney general had instituted a separate action.

33 (12) In addition to the attorney general's right to intervene as
34 a party in any action under this section, the attorney general may
35 appear as amicus curiae in any proceeding in which a claim under this
36 section has been asserted or in which a court is interpreting RCW
37 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this
38 section.

39 (13) A private civil action under this section does not limit any
40 other civil or criminal action under this chapter or any other

1 provision. Private civil remedies provided under this section are
2 supplemental and not mutually exclusive.

3 (14) Upon motion by the defendant, the court may authorize the
4 sale or transfer of assets subject to an order or lien authorized by
5 this chapter for the purpose of paying actual attorney's fees and
6 costs of defense. The motion shall specify the assets for which sale
7 or transfer is sought and shall be accompanied by the defendant's
8 sworn statement that the defendant has no other assets available for
9 such purposes. No order authorizing such sale or transfer may be
10 entered unless the court finds that the assets involved are not
11 subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to
12 disposition of the motion, the court shall notify the state of the
13 assets sought to be sold or transferred and shall hear argument on
14 the issue of whether the assets are subject to forfeiture under RCW
15 9A.82.100(4)(f). Such a motion may be made from time to time and
16 shall be heard by the court on an expedited basis.

17 (15) In an action brought under subsection (1)(a) and (b)(i) of
18 this section, either party has the right to a jury trial.

19 **PART V - VICTIM PRIVACY**

20 **Sec. 20.** RCW 10.97.130 and 2019 c 300 s 2 are each amended to
21 read as follows:

22 (1) Information revealing the specific details that describe the
23 alleged or proven child victim of sexual assault or commercial sexual
24 exploitation under age (~~(eighteen)~~) 18, or the identity or contact
25 information of an alleged or proven child victim of sexual assault or
26 commercial sexual exploitation under age (~~(eighteen)~~) 18 is
27 confidential and not subject to release to the press or public
28 without the permission of the child victim and the child's legal
29 guardian. Identifying information includes the child victim's name,
30 addresses, location, photographs, and in cases in which the child
31 victim is a relative, stepchild, or stepsibling of the alleged
32 perpetrator, identification of the relationship between the child and
33 the alleged perpetrator. Contact information includes phone numbers,
34 email addresses, social media profiles, and user names and passwords.
35 Contact information or information identifying the child victim of
36 sexual assault or commercial sexual exploitation may be released to
37 law enforcement, prosecutors, judges, defense attorneys, or private
38 or governmental agencies that provide services to the child victim of

1 sexual assault. Prior to release of any criminal history record
2 information, the releasing agency shall delete any contact
3 information or information identifying a child victim of sexual
4 assault or commercial sexual exploitation from the information except
5 as provided in this section.

6 (2) This section does not apply to court documents or other
7 materials admitted in open judicial proceedings.

8 (3) For purposes of this section, "commercial sexual
9 exploitation" has the same meaning as in RCW 7.105.010.

10 **Sec. 21.** RCW 42.56.240 and 2022 c 268 s 31 are each amended to
11 read as follows:

12 The following investigative, law enforcement, and crime victim
13 information is exempt from public inspection and copying under this
14 chapter:

15 (1) Specific intelligence information and specific investigative
16 records compiled by investigative, law enforcement, and penology
17 agencies, and state agencies vested with the responsibility to
18 discipline members of any profession, the nondisclosure of which is
19 essential to effective law enforcement or for the protection of any
20 person's right to privacy;

21 (2) Information revealing the identity of persons who are
22 witnesses to or victims of crime or who file complaints with
23 investigative, law enforcement, or penology agencies, other than the
24 commission, if disclosure would endanger any person's life, physical
25 safety, or property. If at the time a complaint is filed the
26 complainant, victim, or witness indicates a desire for disclosure or
27 nondisclosure, such desire shall govern. However, all complaints
28 filed with the commission about any elected official or candidate for
29 public office must be made in writing and signed by the complainant
30 under oath;

31 (3) Any records of investigative reports prepared by any state,
32 county, municipal, or other law enforcement agency pertaining to sex
33 offenses contained in chapter 9A.44 RCW or sexually violent offenses
34 as defined in RCW 71.09.020, which have been transferred to the
35 Washington association of sheriffs and police chiefs for permanent
36 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

37 (4) License applications under RCW 9.41.070, except that copies
38 of license applications or information on the applications may be

1 released to law enforcement or corrections agencies or to persons and
2 entities as authorized under RCW 9.41.815;

3 (5) (a) Information revealing the specific details that describe
4 an alleged or proven child victim of sexual assault or commercial
5 sexual exploitation under age (~~(eighteen)~~) 18, or the identity or
6 contact information of an alleged or proven child victim of sexual
7 assault or commercial sexual exploitation who is under age
8 (~~(eighteen)~~) 18. Identifying information includes the child victim's
9 name, addresses, location, photograph, and in cases in which the
10 child victim is a relative, stepchild, or stepsibling of the alleged
11 perpetrator, identification of the relationship between the child and
12 the alleged perpetrator. Contact information includes phone numbers,
13 email addresses, social media profiles, and user names and passwords.

14 (b) For purposes of this subsection (5), "commercial sexual
15 exploitation" has the same meaning as in RCW 7.105.010;

16 (6) Information contained in a local or regionally maintained
17 gang database as well as the statewide gang database referenced in
18 RCW 43.43.762;

19 (7) Data from the electronic sales tracking system established in
20 RCW 69.43.165;

21 (8) Information submitted to the statewide unified sex offender
22 notification and registration program under RCW 36.28A.040(6) by a
23 person for the purpose of receiving notification regarding a
24 registered sex offender, including the person's name, residential
25 address, and email address;

26 (9) Personally identifying information collected by law
27 enforcement agencies pursuant to local security alarm system programs
28 and vacation crime watch programs. Nothing in this subsection shall
29 be interpreted so as to prohibit the legal owner of a residence or
30 business from accessing information regarding his or her residence or
31 business;

32 (10) The felony firearm offense conviction database of felony
33 firearm offenders established in RCW 43.43.822;

34 (11) The identity of a state employee or officer who has in good
35 faith filed a complaint with an ethics board, as provided in RCW
36 42.52.410, or who has in good faith reported improper governmental
37 action, as defined in RCW 42.40.020, to the auditor or other public
38 official, as defined in RCW 42.40.020;

39 (12) The following security threat group information collected
40 and maintained by the department of corrections pursuant to RCW

1 72.09.745: (a) Information that could lead to the identification of a
2 person's security threat group status, affiliation, or activities;
3 (b) information that reveals specific security threats associated
4 with the operation and activities of security threat groups; and (c)
5 information that identifies the number of security threat group
6 members, affiliates, or associates;

7 (13) The global positioning system data that would indicate the
8 location of the residence of an employee or worker of a criminal
9 justice agency as defined in RCW 10.97.030;

10 (14) Body worn camera recordings to the extent nondisclosure is
11 essential for the protection of any person's right to privacy as
12 described in RCW 42.56.050, including, but not limited to, the
13 circumstances enumerated in (a) of this subsection. A law enforcement
14 or corrections agency shall not disclose a body worn camera recording
15 to the extent the recording is exempt under this subsection.

16 (a) Disclosure of a body worn camera recording is presumed to be
17 highly offensive to a reasonable person under RCW 42.56.050 to the
18 extent it depicts:

19 (i)(A) Any areas of a medical facility, counseling, or
20 therapeutic program office where:

21 (I) A patient is registered to receive treatment, receiving
22 treatment, waiting for treatment, or being transported in the course
23 of treatment; or

24 (II) Health care information is shared with patients, their
25 families, or among the care team; or

26 (B) Information that meets the definition of protected health
27 information for purposes of the health insurance portability and
28 accountability act of 1996 or health care information for purposes of
29 chapter 70.02 RCW;

30 (ii) The interior of a place of residence where a person has a
31 reasonable expectation of privacy;

32 (iii) An intimate image;

33 (iv) A minor;

34 (v) The body of a deceased person;

35 (vi) The identity of or communications from a victim or witness
36 of an incident involving domestic violence as defined in RCW
37 10.99.020 or sexual assault as defined in RCW 70.125.030, or
38 disclosure of intimate images as defined in RCW 9A.86.010. If at the
39 time of recording the victim or witness indicates a desire for

1 disclosure or nondisclosure of the recorded identity or
2 communications, such desire shall govern; or

3 (vii) The identifiable location information of a community-based
4 domestic violence program as defined in RCW 70.123.020, or emergency
5 shelter as defined in RCW 70.123.020.

6 (b) The presumptions set out in (a) of this subsection may be
7 rebutted by specific evidence in individual cases.

8 (c) In a court action seeking the right to inspect or copy a body
9 worn camera recording, a person who prevails against a law
10 enforcement or corrections agency that withholds or discloses all or
11 part of a body worn camera recording pursuant to (a) of this
12 subsection is not entitled to fees, costs, or awards pursuant to RCW
13 42.56.550 unless it is shown that the law enforcement or corrections
14 agency acted in bad faith or with gross negligence.

15 (d) A request for body worn camera recordings must:

16 (i) Specifically identify a name of a person or persons involved
17 in the incident;

18 (ii) Provide the incident or case number;

19 (iii) Provide the date, time, and location of the incident or
20 incidents; or

21 (iv) Identify a law enforcement or corrections officer involved
22 in the incident or incidents.

23 (e) (i) A person directly involved in an incident recorded by the
24 requested body worn camera recording, an attorney representing a
25 person directly involved in an incident recorded by the requested
26 body worn camera recording, a person or his or her attorney who
27 requests a body worn camera recording relevant to a criminal case
28 involving that person, or the executive director from either the
29 Washington state commission on African American affairs, Asian
30 Pacific American affairs, or Hispanic affairs, has the right to
31 obtain the body worn camera recording, subject to any exemption under
32 this chapter or any applicable law. In addition, an attorney who
33 represents a person regarding a potential or existing civil cause of
34 action involving the denial of civil rights under the federal or
35 state Constitution, or a violation of a United States department of
36 justice settlement agreement, has the right to obtain the body worn
37 camera recording if relevant to the cause of action, subject to any
38 exemption under this chapter or any applicable law. The attorney must
39 explain the relevancy of the requested body worn camera recording to

1 the cause of action and specify that he or she is seeking relief from
2 redaction costs under this subsection (14) (e).

3 (ii) A law enforcement or corrections agency responding to
4 requests under this subsection (14) (e) may not require the requesting
5 individual to pay costs of any redacting, altering, distorting,
6 pixelating, suppressing, or otherwise obscuring any portion of a body
7 worn camera recording.

8 (iii) A law enforcement or corrections agency may require any
9 person requesting a body worn camera recording pursuant to this
10 subsection (14) (e) to identify himself or herself to ensure he or she
11 is a person entitled to obtain the body worn camera recording under
12 this subsection (14) (e).

13 (f) (i) A law enforcement or corrections agency responding to a
14 request to disclose body worn camera recordings may require any
15 requester not listed in (e) of this subsection to pay the reasonable
16 costs of redacting, altering, distorting, pixelating, suppressing, or
17 otherwise obscuring any portion of the body worn camera recording
18 prior to disclosure only to the extent necessary to comply with the
19 exemptions in this chapter or any applicable law.

20 (ii) An agency that charges redaction costs under this subsection
21 (14) (f) must use redaction technology that provides the least costly
22 commercially available method of redacting body worn camera
23 recordings, to the extent possible and reasonable.

24 (iii) In any case where an agency charges a requestor for the
25 costs of redacting a body worn camera recording under this subsection
26 (14) (f), the time spent on redaction of the recording shall not count
27 towards the agency's allocation of, or limitation on, time or costs
28 spent responding to public records requests under this chapter, as
29 established pursuant to local ordinance, policy, procedure, or state
30 law.

31 (g) For purposes of this subsection (14):

32 (i) "Body worn camera recording" means a video and/or sound
33 recording that is made by a body worn camera attached to the uniform
34 or eyewear of a law enforcement or corrections officer while in the
35 course of his or her official duties; and

36 (ii) "Intimate image" means an individual or individuals engaged
37 in sexual activity, including sexual intercourse as defined in RCW
38 9A.44.010 and masturbation, or an individual's intimate body parts,
39 whether nude or visible through less than opaque clothing, including
40 the genitals, pubic area, anus, or postpubescent female nipple.

1 (h) Nothing in this subsection shall be construed to restrict
2 access to body worn camera recordings as otherwise permitted by law
3 for official or recognized civilian and accountability bodies or
4 pursuant to any court order.

5 (i) Nothing in this section is intended to modify the obligations
6 of prosecuting attorneys and law enforcement under *Brady v. Maryland*,
7 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v.*
8 *Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and
9 the relevant Washington court criminal rules and statutes.

10 (j) A law enforcement or corrections agency must retain body worn
11 camera recordings for at least (~~sixty~~) 60 days and thereafter may
12 destroy the records in accordance with the applicable records
13 retention schedule;

14 (15) Any records and information contained within the statewide
15 sexual assault kit tracking system established in RCW 43.43.545;

16 (16)(a) Survivor communications with, and survivor records
17 maintained by, campus-affiliated advocates.

18 (b) Nothing in this subsection shall be construed to restrict
19 access to records maintained by a campus-affiliated advocate in the
20 event that:

21 (i) The survivor consents to inspection or copying;

22 (ii) There is a clear, imminent risk of serious physical injury
23 or death of the survivor or another person;

24 (iii) Inspection or copying is required by federal law; or

25 (iv) A court of competent jurisdiction mandates that the record
26 be available for inspection or copying.

27 (c) "Campus-affiliated advocate" and "survivor" have the
28 definitions in RCW 28B.112.030;

29 (17) Information and records prepared, owned, used, or retained
30 by the Washington association of sheriffs and police chiefs and
31 information and records prepared, owned, used, or retained by the
32 Washington state patrol pursuant to chapter 261, Laws of 2017; and

33 (18) Any and all audio or video recordings of child forensic
34 interviews as defined in chapter 26.44 RCW. Such recordings are
35 confidential and may only be disclosed pursuant to a court order
36 entered upon a showing of good cause and with advance notice to the
37 child's parent, guardian, or legal custodian. However, if the child
38 is an emancipated minor or has attained the age of majority as
39 defined in RCW 26.28.010, advance notice must be to the child.
40 Failure to disclose an audio or video recording of a child forensic

1 interview as defined in chapter 26.44 RCW is not grounds for
2 penalties or other sanctions available under this chapter.

3 **PART VI - MISCELLANEOUS**

4 NEW SECTION. **Sec. 22.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 23.** This act takes effect July 1, 2025.

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